

passage of the post-check bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the New York Board of Trade and Transportation, protesting against the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MURDOCK: Petitions of Antietam Circle, No. 2, Ladies of the Grand Army of the Republic, of Parsons, Kans.; Frances E. Willard Circle, No. 89, Ladies of the Grand Army of the Republic, of Fort Dodge, Kans., and veterans of the civil war of Larned, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Ed. B. Lawrence and 224 others, of Pratt, Kans.; H. H. Zeigler and 23 others, of Barton County, Kans.; pastors of churches of Hutchinson, Kans.; W. W. Dodge and 42 others, of Sumner, Kans.; H. J. Winslow and 17 others, of Dalton, Kans.; Methodist Episcopal Church of Argonia, Kans., and R. M. Gilbert and 5 others, of Kiowa County, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. OTIS: Petition of the Woman's Christian Temperance Union of Yonkers, N. Y., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PAYNE: Resolution of the Democratic Club of Blue, Central District, Ind. T., in favor of the Quay bill—to the Committee on the Territories.

Also, petition of the Presbyterian Church of Fairhaven, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. REEDER: Resolution of Antietam Circle, No. 2, Ladies of the Grand Army of the Republic, of Parsons, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of veterans of the civil war of Wilson, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petitions of T. Dixon and 22 others, of Kanorado, Kans.; H. C. Smith and 67 others, of Sylvan Grove, Kans.; Rev. John J. Mickey and 83 others, of Hoxie, Kans., and Roscoe A. Collins and 78 others, of Morland, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RICHARDSON of Alabama: Petitions of E. H. Shapley and 44 others, of Hartselle, Ala.; Rev. J. W. Vessey and 31 others, and W. H. Strickland and 25 others, of Florence, Ala., and Rev. David R. Ripper and 29 others, of Hartsells, Ala., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of J. L. Sessler, of Fort Wayne Typographical Union, No. 78, of Fort Wayne, Ind., in favor of bill to limit the meaning of the word "conspiracy," etc.—to the Committee on the Judiciary.

Also, paper to accompany bill for the relief of Harry Bateman—to the Committee on Claims.

By Mr. SCOTT: Resolution of Antietam Circle, No. 2, Ladies of the Grand Army of the Republic, of Parsons, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of 200 citizens of Haviland, Kans., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SIBLEY: Petitions of Charles Thompson and 24 others, of Tidioute, Pa., and Ed. D. Smith and 37 others, of Franklin, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky: Papers to accompany bill H. R. 1715, for the relief of the estate of Samuel A. Spencer—to the Committee on War Claims.

Also, papers to accompany bill H. R. 5037, granting an increase of pension to R. H. Stillwell—to the Committee on Invalid Pensions.

By Mr. SNAPP: Petition of Joseph G. Heintz and others, of Joliet, Ill., against passage of a parcels-post bill—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of Knights of St. Patrick of New Haven, Conn., in favor of bill providing for erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

Also, resolution of Warren Thomas Circle, Ladies of the Grand Army of the Republic, Department of Connecticut, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the New England Manufacturing Jewelers and Silversmiths' Association, against the passage of an eight-hour bill—to the Committee on Labor.

Also, resolution of the Trades League of Philadelphia, Pa., in favor of the post-check bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Helpers' Division No. 96, Brotherhood of Boiler Makers and Iron-ship Builders, of New Haven, Conn., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Connecticut Chapter of the American

Institute of Architects, relative to the erection of buildings on the Mall in Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. SULLOWAY: Petition of C. T. Duncan and others, of Portsmouth, N. H., against the passage of bill H. R. 7033—to the Committee on the Merchant Marine and Fisheries.

By Mr. WACHTER: Petition of A. C. Schmidt & Co. and others, of Baltimore, Md., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WADE: Petition of G. L. Baker and others, of Davenport, Iowa, against the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of citizens of Iowa, for untaxed denaturized alcohol for industrial purposes—to the Committee on Ways and Means.

Also, petition of rural mail carriers of route No. 1, of Walcott, Iowa, for an increase of pay and continuance of privileges—to the Committee on the Post-Office and Post-Roads.

By Mr. WARNOCK: Resolution of Lodge No. 196, Brotherhood of Boiler Makers and Iron-ship Builders, of Kenton, Ohio, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILSON of New York: Petition of Walter E. Palfitt, of Brooklyn, N. Y., in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, petition of O. W. Berger, of Brooklyn, N. Y., in favor of bill H. R. 9050—to the Committee on Ways and Means.

Also, resolution of the New York Board of Trade and Transportation, against the enactment of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ZENOR: Petitions of H. M. Frank and 142 others, and of 23 members of the Woman's Christian Temperance Union, of Jeffersonville, Ind.; Dr. George F. Cline and 46 others, of Scott County, Ind., and W. V. Weathers and 76 others, of Marengo, Ind., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Isaac Miller and 28 others, of Scott County, Ind., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, petition of N. W. Marting and others, of Eckerty, Ind., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, March 23, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. FAIRBANKS. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. QUAY. I object.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects. The Journal will be read.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

PACIFIC COAST JOBBERS AND MANUFACTURERS' ASSOCIATION.

Mr. MITCHELL. Mr. President, I rise to a personal explanation. I desire to have a correction of the RECORD made.

On the 8th of March I received the following letter, dated from the Pacific Coast Jobbers and Manufacturers' Association, which I will read:

PACIFIC COAST JOBBERS AND MANUFACTURERS' ASSOCIATION,
San Francisco, Cal., February 12, 1904.

Hon. JOHN H. MITCHELL,
United States Senate, Washington, D. C.

DEAR SIR: We beg to advise you that the following resolution regarding the bill to remove restrictions from the interstate-commerce act has been unanimously adopted by the executive committee of this association, representing over 200 of the largest jobbing and manufacturing concerns on the Pacific coast.

The resolution follows:

"Resolved, That this association views with alarm the possibility of the passage of Senate bill 3937, and hereby requests the Pacific coast Senators and Representatives in Congress to use their best efforts to defeat same."

Yours, respectfully,

PACIFIC COAST JOBBERS AND MANUFACTURERS' ASSOCIATION.
H. D. LOVELAND, President.
HAMILTON W. BARNARD, Secretary.

I presented that resolution to the Senate on the 8th of March, and the RECORD makes the following statement:

He—

Mr. MITCHELL—

also presented a memorial of the Pacific Coast Jobbers and Manufacturers' Association, of San Francisco, Cal., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

This morning I received the following letter from the Pacific Coast Jobbers and Manufacturers' Association:

PACIFIC COAST JOBBERS AND MANUFACTURERS' ASSOCIATION,
San Francisco, Cal., March 17, 1904.

HON. JOHN H. MITCHELL,
United States Senate, Washington, D. C.

DEAR SIR: We notice that in the CONGRESSIONAL RECORD reporting the proceedings of the Senate on Tuesday, March 8, 1904, there occurs on page 3112, under the heading of "Petitions," etc., presented by your good self, the following paragraph:

"He also presented a memorial of the Pacific Coast Jobbers and Manufacturers' Association, of San Francisco, Cal., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce."

There must have been some error in reporting or printing this paragraph, as any and all communications which we have forwarded to you have advocated an increase in the powers of the Interstate Commerce Commission and opposed any curtailment of the authority and scope of that Commission, which we regard as too limited at the present time.

In order that our sentiments may be properly understood by the honorable Senators, we would much appreciate it if you will kindly publicly correct the paragraph appearing in the CONGRESSIONAL RECORD by stating, as is the fact, that this association favors the passage of such amendments to the interstate commerce act as will properly increase the powers of the Interstate Commerce Commission, and is unalterably opposed to any bill which would have the contrary effect.

Yours, very respectfully,

H. W. BARNARD,
Secretary.

I do not think the reporters are to be blamed at all for the statement which was made. I think perhaps the letter was ambiguous to a certain extent, and they might readily have made the statement which appears in the RECORD. I did not at the time of submitting the resolution make any statement. I present these letters in order that the association may be placed right on the RECORD.

MARY A. SHAW.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary A. Shaw v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the joint resolution (S. R. 53) authorizing the reprinting of certain documents to be sold by the superintendent of documents; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 11449) to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River;

A joint resolution (H. J. Res. 55) providing for the publication of the reports of the Board of Managers and Inspectors of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903;

A joint resolution (H. J. Res. 113) for the printing of 5,000 copies, with accompanying maps and illustrations, of the report of the governor of New Mexico to the Secretary of the Interior for the year ending June 30, 1903, and the printing of 1,000 copies of the latest map of said Territory; and

A joint resolution (H. J. Res. 133) providing that the bulletins of the Bureau of American Ethnology be printed in octavo.

The message further returned to the Senate, in compliance with its request, the bill (S. 36) to reimburse John Waller, postmaster at Monticello, N. Y., for money expended in carrying the mail.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 14256) making an appropriation for fuel for the south wing of the Capitol building; and it was thereupon signed by the President pro tempore.

SENATOR FROM OHIO.

Mr. FORAKER. Mr. President, the legislature of Ohio has elected Hon. Charles Dick to fill the vacancy in our membership occasioned by the death of my late colleague, Mr. Hanna. Mr. Dick's credentials have been presented to the Senate and filed. He is now present, and I ask that he may be qualified.

The PRESIDENT pro tempore. If the Senator-elect will present himself at the desk, the Chair will administer the oath required by law.

Mr. Dick was escorted to the Vice-President's desk by Mr. FORAKER, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented petitions of sundry citizens of New York, praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New

Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Audubon Society of New York, remonstrating against the repeal of the law relating to the protection of game in Alaska; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of George Grant, jr., of Company I, Fourteenth Regiment New York Heavy Artillery, of Mecklenburg, N. Y., praying for the enactment of legislation providing for the payment to all Union ex-prisoners of war who were confined in rebel prisons thirty days or more or who were honorably discharged, the sum of \$2 per day for the time of their imprisonment, etc.; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of New York, praying for the enactment of legislation to regulate the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. FAIRBANKS presented a petition of S. W. Stirk Circle, No. 18, Department of Indiana, Ladies of the Grand Army of the Republic, of Anderson, Ind., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Stage Employees' Union No. 80, International Alliance of Theatrical Stage Employees, of Indianapolis, Ind., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of James Hargan & Co., of Madison, Ind., remonstrating against the enactment of legislation to prevent the indiscriminate shipping of so-called "high explosives;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Furnas Place Methodist Episcopal Church, of Indianapolis, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of Star of Hope Lodge, No. 59, Brotherhood of Boiler Makers and Iron-ship Builders, of Elkhart, Ind., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented petitions of sundry architects of Boston, Mass.; New York City; York, Pa.; Richmond, Ind.; Chicago, Ill.; Jackson, Miss.; Cleveland, Ohio; Providence, R. I.; Colorado Springs, Colo.; Cumberland, Md., and Baltimore, Md., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. FOSTER of Washington presented a petition of the Spokane Clearing House Association, of Spokane, Wash., praying for the passage of the so-called "Gaines clean-currency bill;" which was referred to the Committee on Finance.

He also presented sundry papers to accompany the bill (S. 5150) to authorize the President to appoint John E. Phelps, late brigadier-general of volunteers, colonel in the United States Army and place him on the retired list; which were referred to the Committee on Military Affairs.

Mr. WETMORE presented the petition of Edmund R. Willson, of Providence, R. I., praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented petitions of the congregation of the First Baptist Church of Warren; of R. F. Tobin Branch, No. 20, Woman's Relief Corps, of Warren; of the Woman's Christian Temperance Union of Warren, and of sundry citizens of Middletown, all in the State of Rhode Island, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BARD presented a petition of sundry citizens of California, praying that lands in severalty be granted to landless Indians in Northern California; which was referred to the Committee on Indian Affairs.

He also presented petitions of the congregations of the Congregational Church of Buena Park, the Methodist Episcopal Church of Buena Park, the Holiness Church of Bolsa, and the First Church of Anaheim, all in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry architects of Chicago, Ill., praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

He also presented petitions of the board of directors of the

Board of Trade of Chicago, Ill., praying for the ratification of the treaty of arbitration between the United States and Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Joliet, Ill., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry patrons of rural free-delivery route No. 1, of Rockton, Ill., praying that an appropriation be made to increase the salaries of rural letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented the memorial of Joseph G. Heintz and sundry other citizens of Illinois, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of L. G. Quackenboss and sundry other architects of Chicago, Ill., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented a petition of Dixon Post, No. 299, Department of Illinois, Grand Army of the Republic, of Dixon, Ill., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. PROCTOR presented a petition of the Woman's Club of Morrisville, Vt., praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Middlesex Grange, Patrons of Husbandry, of Middlesex, Vt., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

Mr. QUAY presented a petition of Monroe Helpers' Division, No. 98, Boiler Makers and Iron-ship Builders, of Susquehanna, Pa., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. TELLER presented a petition of the Colorado and Wyoming Lumber Dealers' Association, of Colorado Springs, Colo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Lodge No. 335, Brotherhood of Boilermakers and Iron-ship Builders, of Grand Junction, Colo., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of sundry architects of Colorado Springs, Colo., praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented petitions of Leadville Circle, No. 2, of Colorado; of Victor Circle, No. 8, of Colorado; of Rockyford Circle, of Rockyford; of B. F. Butler Circle, No. 4, of Pueblo; of William McKinley Circle, No. 16, of Boulder, and of Silver Circle, No. 3, of Aspen, all of the Department of Colorado, Ladies of the Grand Army of the Republic, and of Upton Post, No. 8, Department of Colorado, Grand Army of the Republic, of Pueblo, all in the State of Colorado, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the congregation of the Free Methodist Church, of Boulder; of the city council of Rockyford; of the congregation of the First Presbyterian Church of Rockyford; of the Christian Endeavor Society of Colorado Springs; of the congregation of the First Presbyterian Church of Monte Vista; of the congregation of the St. James Methodist Episcopal Church, of Central City; of the congregation of the First Methodist Episcopal Church of Rockyford; of the congregation of the First Christian Church of Rockyford; of the Young People's Society of the Baptist Church of Rockyford, and of sundry citizens of Fruita and Vineland, all in the State of Colorado; of the Woman's Christian Temperance Union of Waynesburg; of the congregation of the Lutheran Church of Worthington; of the congregation of the United Brethren Church of New Holland; of the congregation of the Mount Tabor United Brethren Church, of Intercourse, and of the Woman's Christian Temperance Union of Orangeville, and of sundry citizens of New London, Harrisburg, Carbondale, Yardley, and Wickboro, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CLARK of Montana presented a petition of Subordinate Lodge No. 123, Brotherhood of Boiler Makers and Iron-ship Builders, of Livingston, Mont., praying for the enactment of

legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. CULBERSON presented a petition of the congregations of the First Baptist Church, the Methodist Episcopal Church, and the Christian Church, all of Stratford, in the State of Texas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DUBOIS presented a petition of Typographical Union No. 271, of Boise, Idaho, praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. DRYDEN presented a petition of Local Lodge No. 33, Brotherhood of Boiler Makers and Iron-ship Builders, of Bayonne, N. J., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Fishermen's Protective Association of Bridgeport, N. J., praying for the adoption of an amendment to the bill to exclude naval naphtha boats of 5 tons and under from the provisions of the law; which was referred to the Committee on Commerce.

He also presented a petition of Pomona Grange, No. 8, Patrons of Husbandry, of Mercer County, N. J., and a petition of Hamilton Grange, No. 79, Patrons of Husbandry, of Yardville, N. J., praying for the passage of the so-called "Brownlow good-roads bill;" which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Battle Ship Oregon Section, No. 25, Navy League of the United States, of South Orange, N. J., praying for the enactment of legislation providing a plan for an efficient national naval reserve; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Christian Endeavor Society of Mount Ephraim, N. J., and a petition of the All Around Club, of Mount Clair, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a memorial of the Newspaper Publishers' Association of Philadelphia, Pa., remonstrating against the enactment of any legislation to prohibit carriers of the free rural-delivery service from exercising the rights which they now have in the matter of distribution of newspapers and other periodicals; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Methodist Episcopal Church of Pinebrook, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Orange Society of New England Women, of East Orange, N. J., praying for the enactment or legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Local Lodge No. 30, of Trenton; of Local Lodge No. 45, of Trenton; of the United Brotherhood of Operative Potters; of the Trades Council of Union County, and of German-American Typographical Union No. 8, of Newark, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called "eight-hour bill;" which were referred to the Committee on Education and Labor.

He also presented petitions of sundry architects of Newark, Summit, Paterson, Orange, and East Orange, all in the State of New Jersey, praying for the enactment of legislation to regulate the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. HALE presented petitions of sundry citizens of Old Town, West Paris, Belfast, Freedom, Lisbon, Charleston, Caribou, Columbia Falls, Winterport, Easton, Wayne, Madison, Baltimore, Waldo, Windham, Gardiner, Bethel, Greenwood, Albany, Limerick, Winslow, and Camden, all in the State of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Caribou, Me., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Sagadahoc Lodge, No. 168, Brotherhood of Boiler Makers and Iron-ship Builders, of Bath, Me., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. KEAN presented a petition of Typographical Union No. 71,

of Trenton, N. J., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union No. 71, of Trenton, N. J., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of Local Lodge No. 32, Brotherhood of Boiler Makers and Iron-ship Builders, of Bayonne, N. J., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. GALLINGER presented the petition of C. D. Harrison, of Washington, D. C., praying for the enactment of legislation relative to telephone rates in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented a petition of the Sanders & Stayman Co., of Washington, D. C., and a petition of House & Herrmann, of Washington, D. C., praying that an appropriation be made for the establishment of a high-pressure water service in the District of Columbia; which were referred to the Committee on Appropriations.

He also presented petitions of sundry architects of New York City; of the American Association of Allied Arts, of New York City; of sundry architects of Boston, Mass.; of E. L. Baily, of Philadelphia, Pa., and of sundry architects of the United States, praying for the enactment of legislation to regulate the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

He also presented a petition of sundry patrons of rural free-delivery route No. 1, of Danbury, N. H., praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Washington, D. C., praying for the enactment of legislation to increase the salaries of employees at the Government Hospital for the Insane in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Newport and Manchester, and of the congregation of the Christian Church of Franklin, all in the State of New Hampshire, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of sundry citizens of Petersburg, N. Dak., praying for the passage of the so-called "good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

Mr. MCOMAS presented petitions of the congregation of the Lutheran Church of Ruxton; of the Epworth League of the Hunt's Methodist Episcopal Church; of the Luther League of St. Paul's Methodist Episcopal Church, of Lutherville; of Independent Order of Good Templars, No. 199, of Damascus, and of Eureka Lodge, No. 272, Independent Order of Good Templars, of Baltimore, all in the State of Maryland, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. MCCREARY presented sundry papers to accompany the bill (S. 4923) for the relief of Thomas H. Clay, administrator de bonis non of Benjamin Gratz, deceased; which were referred to the Committee on Claims.

Mr. FRYE presented a petition of the congregation of the Hartwell Presbyterian Church, of Cincinnati, Ohio, and a petition of the congregation of the Independence Methodist Episcopal Church, of Sedgwick, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 23) in relation to pharmacy in the Indian Territory, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 11963) regulating the practice of medicine and surgery in the Indian Territory, reported it without amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (H. R. 56) to authorize the State of South Dakota to select school and indemnity lands in the ceded portion of the Great Sioux Reservation, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. ALLEE, from the Committee on Claims, to whom was re-

ferred the bill (H. R. 2591) for the relief of W. S. Feland, late deputy collector second Kentucky district, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. NEWLANDS on the 16th instant, providing that no building shall be erected on the Mall of Washington, D. C., within 445 feet of a central line stretching from the center of the Dome of the Capitol to the center of the Washington Monument, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 4448) for the relief of Central University, of the State of Kentucky, and A. R. Burnham and John Bennett, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4504) for the relief of Smith R. Mershon, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4191) for the relief of Smith R. Mershon, reported adversely thereon; and the bill was postponed indefinitely.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (H. R. 4407) authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce v. Grady," asked to be discharged from its further consideration, and that it be referred to the Committee on Privileges and Elections; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 7190) for the relief of the Bank of North Wilkesboro, reported it without amendment, and submitted a report thereon.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 12833) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes, to report it with amendments, and I submit a report with the bill.

I shall ask the Senate to take up the bill for consideration tomorrow morning, unless the Indian appropriation bill is still pending. In that event, I shall ask its consideration by the Senate immediately after the completion of that bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 4818) for the relief of James T. Barry and Richard Cushion, executors of the last will and testament of Martin Dowling, deceased, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

UNVEILING OF STATUE OF GENERAL SHERMAN.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Pennsylvania [Mr. PENROSE] on the 17th instant, to report a substitute, and I ask for its present consideration.

The PRESIDENT pro tempore. The proposed substitute will be read.

The Secretary read the concurrent resolution reported as a substitute, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in the form such as is customary in the case of eulogies 12,000 copies of the proceedings and accompanying documents, with suitable plates to be bound therewith, upon the unveiling of the statue of Gen. William T. Sherman, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies, of which 200 copies shall be bound in full morocco, to be distributed under the direction of the chairman of the Joint Committee on the Library in such manner as, in his judgment, may be desirable.

Mr. COCKRELL. Let the resolution be read again. There was some confusion, and it was difficult to get its purport.

The PRESIDENT pro tempore. The resolution will be again read, at the request of the Senator from Missouri.

The concurrent resolution was again read; and it was considered by unanimous consent, and agreed to.

LAND AT PORT ANGELES, STATE OF WASHINGTON.

Mr. KEARNS. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 9777) granting to the city of Port Angeles, State of Washington, for parking purposes, certain portions of the Government reserve in said city, to report it favorably without amendment, and I ask that it be now considered.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. FOSTER of Louisiana introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5195) to give the Court of Claims jurisdiction in the matter of the claim of the owners of the steamboat *Bee*;

A bill (S. 5196) for the relief of the estates of Phillip McGuire and Catherine McGuire, deceased;

A bill (S. 5197) for the relief of the estate of Pierre Z. Doucet, deceased;

A bill (S. 5198) for the relief of Marie Annette Bouligny and François Bouligny;

A bill (S. 5199) for the relief of the estate of Joseph A. Landry, deceased;

A bill (S. 5200) for the relief of the estate of Henry J. Heard, deceased; and

A bill (S. 5201) for the relief of the estate of Vincent Avet, deceased, and Mrs. Victorie C. Avet.

Mr. DRYDEN introduced a bill (S. 5202) granting an increase of pension to Asa K. Harbert; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 5203) providing for the resurvey of township 18 north, range 6 east, and township 19 north, range 6 east, Montana meridian, Cascade County, State of Montana; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GORMAN introduced a bill (S. 5204) to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;" which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced a bill (S. 5205) granting an increase of pension to Joseph Dickinson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5206) granting an increase of pension to Lucy Jane Ball; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DIETRICH introduced a bill (S. 5207) to amend the homestead laws as to certain unappropriated lands in Nebraska and to authorize the leasing of grazing lands therein; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McCUMBER introduced a bill (S. 5208) granting an increase of pension to William A. Bentley; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. CLAPP) introduced a bill (S. 5209) for the relief of Edward H. Ozmun; which was read twice by its title, and referred to the Committee on Claims.

Mr. FOSTER of Washington introduced a bill (S. 5210) granting an increase of pension to William L. Beach; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5211) granting an increase of pension to Mary A. Hayward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5212) granting an increase of pension to John D. O'Brien; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 5213) granting an increase of pension to Theodore J. Widvey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 5214) granting an increase of pension to William P. Renfro; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 5215) to amend and perfect the military record of Samuel Ford, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5216) granting a pension to Michael Burkhart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5217) regulating the duties and fixing the compensation of the customs inspectors at the port of Boston; which was read twice by its title, and referred to the Committee on Finance.

Mr. BACON introduced a bill (S. 5218) granting permission to Capt. C. De W. Wilcox, United States Army, to accept a decoration and diploma tendered to him by the Government of the French Republic; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. HOPKINS introduced a bill (S. 5219) amending the statutes relating to patents; which was read twice by its title, and referred to the Committee on Patents.

Mr. PROCTOR introduced a joint resolution (S. R. 64) au-

thorizing the Librarian of the Library of Congress to deliver to the governor of the State of Vermont an original record or records of certain conventions held in Vermont in the years 1776 and 1777 for the purpose of organizing a State; which was read twice by its title, and referred to the Committee on the Library.

Mr. GALLINGER introduced a joint resolution (S. R. 65) providing for an extension of time for completing the highway bridge across the Potomac River at Washington, D. C.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. HALE submitted an amendment, intended to be proposed by him to the bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor; which was ordered to lie on the table, and be printed.

Mr. FORAKER submitted an amendment proposing to appropriate \$195,260.43 to pay amounts found due the several States for expenses incurred and paid by them under act of July 27, 1861, as recommended by the second comptroller of the Treasury, November 21, 1892, and December 2, 1892, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN WALLER.

Mr. PLATT of New York. I move to reconsider the votes by which the bill (S. 36) to reimburse John Waller, postmaster at Monticello, N. Y., for money expended in carrying the mails, was ordered to a third reading, and passed.

The motion to reconsider was agreed to.

Mr. PLATT of New York. I move that the bill be recommitted to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

REPEAL OF DESERT-LAND ACT.

The PRESIDENT pro tempore. The second reading of the bill introduced yesterday by the Senator from Montana [Mr. GIBSON] will now be in order.

The bill (S. 5168) to repeal the desert-land act and the commutation provision of the homestead act was read the second time by its title.

Mr. GIBSON. As the consideration of the Indian appropriation bill was not concluded yesterday, I have consented to defer my remarks until to-morrow at the conclusion of the morning business.

The PRESIDENT pro tempore. The bill will still lie on the table.

BERTHA A. HOLZER.

Mr. FORAKER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Bertha A. Holzer, widow of W. J. Holzer, late a folder in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

LEONARD E. WALES.

Mr. BALL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Leonard E. Wales, in trust for Edward R. Elkinton, William R. Elkinton, John Y. Elkinton, and Mary W. Elkinton, minor children of David W. Elkinton, late conductor of elevator in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

HOURS OF LABOR.

On motion of Mr. McCOMAS, it was

Ordered, That 1,500 additional copies of S. 489, "limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes," be printed for the use of the Committee on Education and Labor.

DOCUMENTS ON CRIMINOLOGY.

Mr. QUARLES. Mr. President, I hold in my hand four public documents on the subject of criminology. I ask that the four may be reprinted as one document, the supply having been exhausted.

The PRESIDENT pro tempore. The Senator from Wisconsin asks that the documents referred to by him, on the subject of criminology, may be printed as one document. Is there objection?

Mr. PLATT of Connecticut. I am not going to object to that order, but I want to say that I think the Senate has been bothered about long enough by Mr. MacDonald, who is the author of these documents.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. COCKRELL. Did I understand the Senator from Connecticut to object to the printing of that document?

The PRESIDENT pro tempore. The Senator did not object.

Mr. COCKRELL. I did not hear what the document is.

Mr. PLATT of Connecticut. I did not object to it, but I said that I thought the Senate had had about enough of it.

Mr. COCKRELL. If we have had enough of it, enough is enough. Let us hear what it is.

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. QUARLES] has asked for the reprinting as one document of four documents on criminology, prepared by Mr. MacDonald.

Mr. KEAN. I object to the printing of the documents, Mr. President.

The PRESIDENT pro tempore. Objection is made.

PAYMENTS TO DELAWARE INDIANS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. QUAY, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish forthwith to the Senate a statement showing the difference in value between coin and currency on payments made by the United States to the Delaware Indians, from and including the year 1862 to and including the year 1878; said payments being set forth in the report of the subcommittee of the Senate on Indian Affairs, dated March 29, 1902.

Mr. STEWART. I do not think this resolution will be necessary under the amendment adopted on the motion of the Senator from Iowa [Mr. ALLISON]. It would take some time to get this information, and I think that amendment covers the point.

Mr. QUAY. It may not be necessary and it may. It can do no harm.

Mr. STEWART. It can do no harm; but the information can not be obtained in time for the Indian appropriation bill.

Mr. QUAY. I do not know.

Mr. ALLISON. It seems to me there are some complications about this matter of the difference between currency and gold that can not well be settled by a resolution such as the Senator now proposes. I think there ought to be some direction more in detail to the Secretary of the Treasury as to how he shall make this computation. I have just been looking at the treaties to see what was required under them. Will the Senator allow the resolution to lie over for the present? No information that can now come from the Secretary can be of value in the consideration of the appropriation bill.

Mr. QUAY. I think it very possible that information may be had from the Secretary of the Treasury that will be of importance in the passage of the Indian appropriation bill, but I have no objection to the resolution going over in order that the Senator may examine the treaties which he has before him; and I do not myself care to have it passed without looking at them. Let the resolution go over.

Mr. ALLISON. Very well; let it go over.

The PRESIDENT pro tempore. The Chair did not understand the Senator from Pennsylvania.

Mr. QUAY. I say the resolution can go over for the present. I do not want to have it go to the Calendar. I want to have it lie on the table, so that I can call it up to-day if I shall desire.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the resolution may lie on the table subject to his call. Is there objection? The Chair hears none.

HOUSE BILLS REFERRED.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:

A joint resolution (H. J. Res. 55) providing for the publication of the reports of the Board of Managers and inspectors of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903;

A joint resolution (H. J. Res. 113) for the printing of 5,000 copies, with accompanying maps and illustrations, of the report of the governor of New Mexico to the Secretary of the Interior for the year ending June 30, 1903, and the printing of 1,000 copies of the latest map of said Territory; and

A joint resolution (H. J. Res. 133) providing that the bulletins of the Bureau of American Ethnology be printed in octavo.

The bill (H. R. 11449) to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River was read twice by its title, and referred to the Committee on Commerce.

REPRINTING OF DOCUMENTS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 53) authorizing the reprinting of certain documents to be sold by

the superintendent of documents, which was on page 1, line 12, after "sale," to insert "such order for reprinting to be subject to the approval of the Secretary or head of the Department in which such public document shall have originated."

Mr. PLATT of New York. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

THOMAS J. HOBBS.

Mr. LODGE. I ask unanimous consent to call up the bill (H. R. 3256) directing the issue of a check in lieu of a lost check drawn by Thomas J. Hobbs, disbursing clerk, in favor of Crane & Co., of Dalton, Mass. It will not occupy a moment.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SPOONER. Is it not novel to direct a subordinate, a disbursing officer, to issue a check?

Mr. LODGE. I supposed it was in the usual form.

Mr. SPOONER. I think the Secretary of the Treasury ought to be directed to issue it.

Mr. LODGE. I suggest that it be changed so as to read "that the Secretary be authorized to cause to be issued a check," etc.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. After the word "That," at the beginning of the bill, strike out the words "Thomas J. Hobbs, disbursing clerk of;" insert after the word "the," in the same line, the words "Secretary of the;" in the same line, after the word "Treasury," strike out the word "Department;" and in line 4 strike out the word "issue" and insert in lieu thereof the words "cause to be issued."

The amendment was agreed to.

The PRESIDENT pro tempore. The bill was reported from the Committee on Finance with amendments, which will be stated.

The amendments were, on page 1, line 5, after the word "of," to strike out "said" and insert "an;" and in the same line, after the word "check," to insert:

Issued by him on the 8th day of July, 1903, numbered 40008, upon the assistant treasurer of the United States at New York, in favor of Crane & Company, for the sum of \$5,220.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, instructed to cause to be issued a duplicate of an original check issued by him on the 8th day of July, 1903, No. 40008, upon the assistant treasurer of the United States at New York, in favor of Crane & Co., for the sum of \$5,220, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3846, Revised Statutes of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, ordered to be engrossed for a third reading, read the third time, and passed.

OSAGE RESERVATION.

Mr. STEWART rose.

Mr. COCKRELL. I ask the Senator from Nevada in charge of the Indian appropriation bill to allow me to call up for passage the bill (H. R. 8878) to extend the provisions of the act of January 21, 1903, to the Osage Reservation, in Oklahoma Territory, and for other purposes. It was favorably reported from the Committee on Indian Affairs with sundry amendments by the Senator from Connecticut [Mr. PLATT], and it will take only a moment. It consists of only about twenty lines.

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. STEWART. I yield for that purpose.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, in line 8, after the word "are," to insert "as to the use of stone;" and on page 2, line 1, after the word "therein," to strike out the following proviso:

Provided further, That all limitation on the export of stone and gravel for any and all uses and purposes from any part of the Indian Territory and the Osage Nation, in Oklahoma, are hereby removed.

So as to make the bill read:

Be it enacted, etc., That the provisions of the act of Congress approved January 21, 1903, entitled "An act to amend an act entitled 'An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory,' approved June 6, 1900," are, as to the use of stone, hereby extended to and shall include the Osage Reservation, in the Territory of Oklahoma: *Provided*, That the proceeds from the lands in said Osage Reservation, in Oklahoma Territory, shall go to the Osage Nation or allottees therein.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXTENSION OF EIGHTH STREET NW.

Mr. GALLINGER. I ask the Senator from Nevada to yield to me to ask for the consideration of a bill which I feel sure will pass without objection. If there is any objection to it, I will withdraw the request for its consideration.

Mr. STEWART. On that condition I yield to the Senator from New Hampshire.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 3454) for the extension of Eighth street NW., or Wrights road, District of Columbia.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. STEWART. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes.

Mr. STEWART. I now ask that the reading of the bill may be continued.

The PRESIDENT pro tempore. The Chair calls the attention of the Senate to the item on page 53 of this bill, beginning in line 10 and ending with line 19, for payment to J. Hale Sypher of \$50,000. The point of order was made by the Senator from New Jersey [Mr. KEAN]. The Chair is of opinion that the private claim under Rule XVI barred from appropriation bills must necessarily be a claim against the Government of the United States, which would take money from the United States Treasury. This item is not such a claim. It is neither against the Government nor does it take Government money from the Treasury. In the opinion of the Chair the committee having jurisdiction of the subject had a right to report this item favorably and thus make it in order. So the Chair overrules the point of order raised by the Senator from New Jersey.

Mr. KEAN. Then, Mr. President, I suggest that the amendment of the committee ought to be amended. I move, after the word "dollars," in line 12 on page 53, in the amendment of the committee, to strike out the remainder of the clause; so that, if amended, it would read:

For payment to J. Hale Sypher, to be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, \$50,000.

The reason I do this is because, so far as I can find, there is absolutely no agreement under date of November 7, 1891, between J. Hale Sypher and the Choctaw Nation; and I should like very much if the Senator from Nevada [Mr. STEWART] would furnish to the Senate information as to the services rendered by this claimant.

Mr. STEWART. I suggest that the Senator from Colorado [Mr. TELLER], who is familiar with the subject, make the explanation.

Mr. TELLER. Mr. President, I think the Senator from Connecticut [Mr. PLATT] has given some attention to this subject. I really do not myself know what is the amendment.

The PRESIDENT pro tempore. The amendment to the amendment of the committee submitted by the Senator from New Jersey [Mr. KEAN] will be stated by the Secretary.

The SECRETARY. On page 53, line 12, after the word "dollars," it is proposed to strike out:

which said sum the Secretary of the Treasury is hereby authorized and directed to pay immediately to J. Hale Sypher upon execution by him of a receipt in full of all claims against the Choctaw Nation for his services and expenses as the attorney of said nation under contract entered into on the 7th day of November, A. D. 1891, between said J. Hale Sypher and the said Choctaw Nation.

So as to make the clause read:

For payment to J. Hale Sypher, to be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, \$50,000.

Mr. PLATT of Connecticut. Mr. President, I understand that some Senator has asked that the nature of this claim might be explained. I have not been a very strenuous advocate of inserting this amendment, though I assented to it being placed in the bill. I can state, I think, what the nature of it is.

In 1891 there was an amendment put on the Indian appropriation bill to pay the Choctaws and Chickasaws, in round numbers, about \$3,000,000 for an alleged title to lands which had been opened for settlement to the Cheyennes and the Arapahoes. That grew out of transactions long ago, and was known as "the leased

district." This land was west of the ninety-eighth meridian. I insisted at the time that the Indians had no title; that they had parted with it after the lease to the Government, but the Senate thought otherwise, and adopted the amendment.

The money could not be drawn, under the amendment, until the President approved the conveyances. President Harrison refused to approve the conveyances, and sent to Congress a message in which he said that he believed there was so much fraud connected with the obtaining of that amendment that he was not disposed to give his assent under any circumstances to anything which would result in the payment of this money.

There had been a pretty extensive and vigorous lobby employed by one set of Indians to procure this money. When the money was finally paid, \$692,000 of it was paid out to attorneys and lobbyists; but while the question was pending before the President as to whether he would approve the leases the Choctaw council discharged all of the attorneys who had been employed under its authority theretofore and appointed new representatives to come to Washington and to employ counsel for the purpose of procuring this money.

That delegation embraced the Delegate, the governor, and one other prominent Choctaw. They came here and employed Mr. Sypher. They made a contract with him to pay him 10 per cent of the amount to be procured. He worked at it faithfully, and I think it is in evidence that he devoted all the time that was necessary for about a year and a half to try to secure the payment of this money. But President Harrison went out of office without paying the money or without approving the conveyances. The conveyances were prepared by Mr. Sypher, and they were signed by this delegation that employed him. He asserts that he had at last convinced President Harrison that the money ought to be paid, and that the only reason it was not paid while the matter was in his charge was because there was not sufficient money in the Treasury.

But when President Cleveland came in the Choctaw people came here with a new set of agents to induce President Cleveland to approve the conveyances. I do not wish to go into any scandals about that, and decline to do so. President Cleveland, however, after two or three months' consideration, approved the conveyances and the money was paid. It was paid mainly to Mr. Stanley and Mr. Green McCurtain, Mr. McCurtain being one of the committee that had employed Mr. Sypher. As I said, the money being paid, \$692,000 of it was distributed among lobbyists and attorneys, giving Mr. Sypher nothing at all and not recognizing him. The balance of it was distributed to the Choctaws and Chickasaws, except about \$37,000, which, as I have always understood, was retained by the governor, upon the plea that he had to pay it out in connection with obtaining the legislation.

This whole matter has been, to my mind, one of the most notorious instances of lobbying that I have ever known since my coming to the Senate. I introduced a resolution which called upon the Secretary of the Treasury to inform the Senate what had become of this money. A good deal of it was traced; some of it could not be traced. But the Choctaws never paid Mr. Sypher a dollar. He labored assiduously trying to get this money paid. On the whole, I have thought the Indians owed Mr. Sypher something. He did not absolutely procure the payment of the money—that is to say, it did not pass through his hands—but he had cleared the way for it so that Mr. Cleveland, as President, found that the way was clear.

We have not felt that the Choctaws were doing the fair thing by Mr. Sypher. We do not allow him the 10 per cent under his contract, but we allow him what may be called a quantum meruit for his services during that year and a half, which we believe to have been faithfully rendered and to have been of value to the Choctaw Nation in securing the payment of this money.

I do not know that I can state the matter any more fully than I have.

Mr. STEWART. I think the Senator has fairly and fully stated the case.

Mr. LODGE. I should like to ask what the statement of the Department is in regard to this claim, and whether the Senator from Nevada has a letter from the Interior Department or the Indian Commissioner in regard to it?

Mr. PLATT of Connecticut. I do not think there is any recommendation for it by the Department or by the Indian Commissioner.

Mr. STEWART. Was there not a letter before the subcommittee? It is a matter that was referred to the subcommittee. I do not know that I have ever read the letter.

Mr. LODGE. Is there a letter?

Mr. BARD. I have here a letter from the Secretary of the Interior.

Mr. STEWART. Let the letter be read, so that we may see what it is.

Mr. LODGE. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 10, 1904.
CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

SIR: Acknowledging receipt of a copy of Senate bill 3359, "A bill for the relief of the attorney and representative of the Choctaw Nation," by reference of the chairman of your committee, with request for report thereon for the information of your committee, I have the honor to inclose herewith a copy of a report by the Commissioner of Indian Affairs in the matter, a copy of the bill having been referred to him on January 15, 1904, in which he recommends, for reasons fully set forth, that the Department report adversely to the bill.

I concur in the views of the Commissioner, and earnestly recommend, in justice to the Choctaw Nation, that the bill be not favorably considered.

Respectfully,

E. A. HITCHCOCK, Secretary.

Mr. KEAN. Now, Mr. President, I should like to have the letter of the Commissioner of Indian Affairs read.

Mr. PLATT of Connecticut. There is one thing which I ought to have said in my explanation, which is this: That the reason the Choctaw people give for not recognizing Mr. Sypher is that they obtained from the attorney-general of the Choctaw Nation an opinion saying that the act under which he was employed was unconstitutional; but they availed themselves of the act so far as the preparation of the leases was concerned. They acted under that to get the money, and then said that they repudiated the contract.

Mr. STEWART. But the commissioners appointed under the act continued to receive the money.

Mr. PLATT of Connecticut. They repudiated the contract, claiming that it was unconstitutional, but they went forward under it as to everything else except paying the money.

Mr. TELLER. Mr. President, in 1901 Congress adopted what is substantially an effort to make these Indians pay their debts. Some little experience of mine connected with them justifies me in saying that they never pay if they can help it. In the act making appropriations for the Indian Service for the fiscal year 1902, approved March 3, 1901, the following provision was inserted:

For payment to the heirs of Albert Pike, deceased, to be paid as hereinafter provided, out of any funds in the Treasury of the United States belonging to the Choctaw Nation—

Mr. ALLISON. From what is the Senator reading?

Mr. TELLER. Page 22 of the act making appropriations for the Indian Service, approved March 3, 1901—

\$75,000; which said sum the Secretary of the Treasury is hereby authorized and directed to pay immediately as follows: Thirty thousand dollars to—

I need not read that. It simply gives the names of the members of the family and the administrator to whom the amount should be paid. The paragraph continues:

upon execution by each of the said heirs and said administrator of a receipt in full for all their respective claims against the Choctaw Nation for the services of Albert Pike in the collection from the United States of what is commonly known as the "net-proceeds claim."

In that case Albert Pike had rendered service to these Indians for a number of years. They had declined to pay him, as they do on all occasions decline to pay honest attorneys who do their work. After an investigation by the Committee on Indian Affairs, this claim was believed to be just. It was reported in the bill to which I have referred, which was passed and became a law, and the money was paid. There is nothing unusual in the pending claim, and I think we can also find some other precedents for it.

Because the Indians paid a large amount of money, that is no reason for saying when the money was paid to them that Mr. Sypher should not be paid for his work, for no part of that \$600,000 was earned in the business that Sypher was engaged in. Sypher had prepared all the papers. He had done, up to the time President Harrison went out of office, everything that it was necessary to do, except the payment of the money. At that time the probability is that it would have been paid if the Treasury had been as flush as it has been at some other times. It was subsequently paid in the early days of the Cleveland Administration, and, as stated by the Senator from Connecticut [Mr. PLATT], it appears from the Treasury Department that a large sum of money was paid out, ostensibly and professedly, as I understand, for services rendered in securing the passage of the original bill, which was the cause of the President declining to pay anything until he knew something about where it was going. I do not understand that the President meant to say that no part of it should be paid. I think the President's notion was that he would see, when it was paid, that it did not go into the hands of an irresponsible lobby that had really earned nothing.

Mr. CULLOM. I should like to inquire of the Senator if he knows how much has been paid to other attorneys connected with the case?

Mr. TELLER. Nothing at all was paid to attorneys out of that money. It was paid to the lobby; and we know who they were. That is shown in the Treasury report. Not one of them,

I think, is an attorney, and none of them had been making any claim upon this fund for services rendered. After the passage of the act it was necessary to do a good many things to secure the payment of this money. All of that General Sypher had performed, and all that was left to be done was the payment of the money.

Mr. KEAN. I ask to have the letter to which I have referred read.

Mr. TELLER. I want to say that Mr. Sypher had nothing to do with the original lobby, and I have every reason to believe that he protested very vigorously against their being paid anything, saying that it was a robbery of the Indians to pay them anything; but the protest availed very little just at that time.

The PRESIDENT pro tempore. The Senator from New Jersey asks for the reading of the letter from the Commissioner of Indian Affairs.

Mr. STEWART. Before that is read, I wish to make a remark.

Mr. TELLER. I want to say just another word. This was not a matter in the Interior Department at all. It was a matter purely in the executive department with the President. The Interior Department had very little to do with it, at least; but there is enough in the Department to show that General Sypher had rendered service to those Indians. It is clear that he procured what you might call the principal steps of securing the form of transfer or release, and all that had to be done by sending or going to the Indian Territory.

Mr. STEWART. What impressed me most was the fact that a law was passed discharging these attorneys or this lobby, or whatever it was, and appointing a commission to employ an attorney to get this payment. That commission came here and employed General Sypher by a written contract. The Senator from California [Mr. BARD] has the contract, and I will ask that it may be printed as a part of my remarks. I will not stop to read it. It is a very full contract.

General Sypher went to work superintending the doing of the things necessary to get the money. The bill was passed and the whole thing straightened up so that the Indians could get the money. He attended to that. The commission came on and co-operated with him; but when they wanted to make a change they got an opinion of their attorney-general that the law under which Sypher was employed was unconstitutional; but the commissioners who employed him were continued in office. They came here, and they got the money on the papers which had been prepared and filed by Sypher.

It seems they thought there was nothing unconstitutional about it but the employment of Sypher. That looks to me so crooked that it rather hurts their case, because if it was unconstitutional to pay Sypher to carry out that contract, it was unconstitutional to pay over any of the money. The whole thing was an absurd excuse, undoubtedly, and although I have not investigated the matter particularly myself, the subcommittee investigated it very thoroughly.

I will ask the Senator from California [Mr. BARD] to send up the papers that he has so that they may be printed in the proceedings in order that we may have the record complete.

Mr. QUARLES. Mr. President, as I understand this amendment, it does not involve this claim at all. The amendment of the Senator from New Jersey [Mr. KEAN], as I understand it, only involves the question of taking a receipt in full under the contract made by Mr. Sypher with the Indians. Now, if there is any reason why he should not give a receipt in full under that contract, I should like to hear it.

Mr. STEWART. There is no reason, so far as I am concerned.

Mr. KEAN. I should like to have the letter of the Commissioner of Indian Affairs read.

The PRESIDENT pro tempore. As soon as the Senator from Nevada has surrendered the floor it will be read.

Mr. KEAN. I thought the Senator from Nevada had yielded the floor.

Mr. STEWART. I have no objection to the amendment, so far as that is concerned, but I should like to have in the RECORD the contract and the documents which the Senator from California has. I do not ask that they be read, but that they may be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Nevada asks that the contract and the papers in the case may be printed in the RECORD. Is there objection? The Chair hears none.

Mr. BARD. I will call attention first to the act of the council of the Choctaw Nation, found in this document on pages 38 and 39, which will be read by the Secretary, and, in addition, a copy of the contract between the nation and Mr. Sypher.

The PRESIDENT pro tempore. Does the Senator from California ask that they be read?

Mr. BARD. It was suggested by the Senator from Nevada that they be read.

Mr. STEWART. No, I do not ask it.

Mr. KEAN. I ask that they be read.

Mr. STEWART. I do not ask it unless somebody wants them read. However, I want them to appear in the RECORD.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the documents may be printed in the RECORD as a part of his remarks. Is there objection? The Chair hears none.

The papers referred to are as follows:

Whereas the Congress of the United States did on the 3d day of March, A. D. 1891, make an appropriation of the sum of \$2,991,450 in favor of the Choctaw and Chickasaw nations of Indians, for their right, title, and interest in certain lands west of ninety-eighth degree west longitude, and now occupied by the Cheyenne and Arapahoe tribes of Indians;

And whereas the attorneys and others employed in the prosecution of the claim by the commissioners appointed by the Choctaw government have failed to procure the payment of said appropriation to the treasurer of the Choctaw Nation, as required by the act of the general council of April, 1891;

And whereas it appears that contracts made by said commissioners with their attorneys have never been approved by the Interior Department as required by the United States statutes, thereby precluding said attorneys from being of any use to the Choctaw Nation in procuring said appropriation, and it is believed that said attorneys with supposed contracts are an absolute hindrance to the prompt payment of said appropriation, thereby depriving the Choctaws of their just dues: Therefore,

SECTION 1. Be it further enacted by the general council of the Choctaw Nation, That any and all contracts made by the Choctaw commissioners with any attorneys in connection with the appropriation of \$2,991,450, and not approved by the Department of the Interior, are declared void and of no effect.

Sec. 2. That the principal chief of the Choctaw Nation and the national treasurer and the special delegate heretofore appointed be, and they are hereby, authorized and directed to proceed at once to Washington City, D. C., and make a formal demand for this money, and to this end they are authorized to procure such assistance and to take necessary steps to procure said money before the 1st day of December, 1891, and they are further authorized to sign the necessary relinquishment to said lands west of the ninety-eighth degree west longitude, now occupied by the Cheyenne and Arapahoe tribes of Indians.

Sec. 3. That all acts or parts of acts, resolutions or parts of resolutions, except the "disbursement bill known as the per capita bill," of April, 1891, coming in conflict with this are hereby repealed, and this act take effect and be in force from and after its passage.

Approved, October 13, 1891.

J. H. BRYANT, Acting P. C. C. N.

Proposed by R. J. Ward.

Agreement.

Whereas the Choctaw Nation of Indians in the Indian Territory have a just and valid claim against the United States of America for certain money or moneys appropriated by act of Congress approved March 3, 1891, to pay said nation of Indians for all their right, title, interest, and claim which said nation may have in and to certain lands designated and described in the act aforesaid, are desirous of securing the services of J. Hale Sypher, an attorney and counselor at law, to prosecute said claim, and to collect the amount appropriated by the act of Congress aforesaid, to-wit, \$2,991,450:

Now, therefore, this agreement, made and entered into by and between J. Hale Sypher, attorney and counselor, party of the first part, and Governor Wilson N. Jones, principal chief; Hon. Green McCurtain, national treasurer, and Hon. Thomas D. Ainsworth, special delegate, commissioners, appointed by act of the general council of the Choctaw Nation approved October 13, 1891, parties of the second part:

Witnesseth, That for and in consideration of the professional services of the party of the first part in and about the prosecution of the said claim and the services of others who may be employed, or authorized by him to act in the premises, either as colleague or as substitute, the parties of the second part hereby promise and agree for themselves and their heirs and legal representatives to pay to the party of the first part, his heirs, substitute or legal representatives, a fee equal to 10 per cent of whatever sum of money or other evidence of indebtedness which may at any time be awarded or recovered on account of said claim, and the said fee shall become due and payable immediately upon the making of said award or payment, and the parties of the second part hereby stipulate that the party of the first part, his substitute or legal representatives, shall have direction and control of the prosecution of said claim to its final termination and adjustment, with power to receive, receipt for, indorse, and collect, any draft, warrant, or other evidence of indebtedness, that may be issued or rendered in payment thereof, and, further, to retain from the proceeds of any such draft or other evidence of indebtedness the amount of the fee herein stipulated; and, if requisite to the faithful performance of this agreement, the parties of the second part hereby authorize and bind their heirs and legal representatives to invest the party of the first part, his substitute or legal representatives, with like power, to the end that the provisions of this agreement shall fully be carried into effect. And the parties of the second part further agree to furnish all evidence and papers that may be lawfully required in the prosecution of said claim, and to execute from time to time and deliver to the party of the first part such powers of attorney or other papers as may be necessary for the prosecution and full settlement and collection of said claim, and the payment of said fee.

It is further agreed that this agreement shall not be affected in any particular by any revocation of the authority granted or which may be granted to the party of the first part, nor by any services rendered or which may be rendered by others or by the parties of the second part, his heirs or legal representatives, or by any of them.

This agreement is limited by the provisions of the act of the Choctaw council of October 13, 1891, requiring necessary steps to be taken to procure said money before the 1st day of December, 1891. (See act.)

And the party of the first part agrees to diligently prosecute said claim to the best of his professional ability to a final termination.

Witness our hands and seals this 7th day of November, A. D. 1891.

J. HALE SYPHER. (SEAL.)
WILSON N. JONES. (SEAL.)
GREEN MCCURTAIN. (SEAL.)
THOS. D. AINSWORTH. (SEAL.)

Signed, sealed, and delivered in the presence of—

ROBT. V. HUGHES.

GEO. H. BROWN.

DISTRICT OF COLUMBIA, ss:

Personally appeared before me, the subscriber, a notary public in and for said District, the afore-named J. Hale Sypher, Wilson N. Jones, Green McCurtain, and Thomas D. Ainsworth, to me well known, and acknowledged

the foregoing letter of agreement to be their free and voluntary act and deed for the purpose therein set forth.

Given under my hand on this 7th day of November, 1891, at Washington, D. C.

[SEAL.]

ROBT. V. HUGHES, Notary Public.

DISTRICT OF COLUMBIA, ss:

I hereby certify that the foregoing is a true copy of the original as shown to me this 16th day of December, 1901.

ROBT. V. HUGHES, Notary Public.

Mr. KEAN. I now call for the reading of the letter which I sent to the desk.

The PRESIDENT pro tempore. The Senator from New Jersey asks for the reading of a communication from the Commissioner of Indian Affairs. It will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 9, 1904.

The Hon. SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt of Department letter of January 15, 1904 (I. T. D., 216-1904), inclosing for report a copy of a bill (S. 3359) entitled "A bill for the relief of the attorney and representative of the Choctaw Nation," which provides:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any funds in the Treasury of the United States belonging to and due, or out of any funds which may hereafter become due, the Choctaw Nation, \$220,688.75 to the attorney and representative of said Choctaw Nation, as per contract duly executed by said nation and under a power of attorney, set out on page 25 of the message of the President of the United States of February 18, 1892, to the Senate of the United States."

The Indian appropriation act approved March 3, 1891 (26 Stats., 1025), appropriated \$2,991,450 to pay the Choctaw and Chickasaw nations of Indians for all their interest in certain lands occupied by the Cheyenne and Arapahoe Indians, under Executive order, which had been ceded in trust by article 3 of the treaty with said nations, concluded April 23, 1866 (14 Stats., 769), and provided that three-fourths of the appropriation should be paid to such person or persons as are or shall be duly authorized by the laws of the Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of the Choctaw Nation, and also provided for the payment, in a similar manner, of the remaining one-fourth to the representatives of the Chickasaw Nation. The act made the appropriation "immediately available and to become operative upon the execution, by the duly appointed delegates of said respective nations specially authorized thereto by law, of releases and conveyances to the United States of all right, title, interest, and claim of said respective nations of Indians in and to said land (not including Greer County, which is now in dispute) in manner and form satisfactory to the President of the United States; and said releases and conveyances, when fully executed and delivered, shall operate to extinguish all claim of any kind and character of said Choctaw and Chickasaw nations of Indians in and to the tract of country to which said releases and conveyances shall apply."

On March 17, 1891, the principal chief of the Choctaw Nation addressed a letter to the President requesting information as to what form of release and conveyance named in the act of 1891 would be satisfactory to the Government. This letter was referred to this Office and was the subject of office report of April 23, 1891, a copy of which was transmitted by the Department to the President in a communication dated May 6, 1891. In that communication Secretary Noble referred to an interview had by him with Mr. Leo E. Bennett, United States Indian agent at the Union Agency, Ind. T., "regarding the manner in which this business has been conducted in the Choctaw Nation" and inclosed an affidavit of Mr. Bennett, in which it was stated that Robert J. Ward, one of the delegates of the Choctaw Nation, and who, among others, was to execute the release and conveyance to the United States, is a senator in that nation's council to negotiate the final session of the Choctaws' interest in the lands west of the ninety-eighth meridian. Secretary Noble further said:

"By an act of the general council of the Choctaws (No. 34) entitled 'An act to authorize the appointment of three commissioners to treat with the United States Commissioners in reference to the leased district, and for other purposes,' approved November 5, 1889, Ward was appointed as one of the three commissioners, the other two, J. H. Standley and H. C. Harris, who, you will perceive, are also among those to execute the present deed; that by an act of the general council (No. 14) entitled 'An act contracting to the delegation appointed to negotiate with the authorities of the United States one-fourth of the recovery out of the "leased district,"' so called, etc., the compensation was fixed at 25 per cent.' This was approved December 24, 1889.

"While this last act was pending and while the names of the delegates were before the senate of the Choctaw Nation, pending confirmation, Ward was approached, as he says, by one Thibau, a white man, residing in Paris, Tex., who said there was a plot on foot among certain senators to defeat said measure; that if he (Ward) was willing to pay for it he could fix the matter; and Ward was induced finally to give seven promissory notes, hereinafter described, to induce the confirmation of the delegation and the approval of the fee of 25 per cent out of the funds recovered. These notes were given, he states, on the 23d and 24th days of December, 1889, and were to the following persons and amounts:

W. W. Hampton, senator	\$15,000
L. W. Oakes, senator	10,000
H. P. Ward, senator	5,000
Columbus Irwin, senator	5,000
Simon Wilson, senator	2,500
J. B. Jeter	10,000
G. T. Thibau	20,000

"The form of note is inclosed, and it seems that each note was signed by R. J. Ward, who also signed the names of Standley and Harris. The note to Hampton appears to be for \$12,500 instead of \$15,000, as stated in the affidavit.

"The number of Senators thus to be compensated formed a majority of all the body that was to confirm the per cent and authorize the delegation to act in making these conveyances. If true, therefore, these facts should impair the validity of the consent apparently given by the Choctaw Nation to these conveyances and involve the question of good faith as to the whole transaction.

"There is no evidence corroborating the statements of Ward, but inasmuch as he criminate himself in the transaction it is hardly presumable that he has told an entire falsehood.

"It is impossible for me, with this knowledge, which I communicate to you, to recommend the completion of this transaction without an investigation into the facts thus asserted by one of the parties implicated, and which statement seems to have been voluntarily proffered."

Secretary Noble accordingly recommended that all action by the President "be postponed until the Ward statement can be laid before Congress, and due investigation into the facts be properly made by that body. He concluded with the statement that—

"The allowance made to the delegation of 25 per cent would amount to \$747,862.50, and this enormous sum of money for the services rendered leads to grave suspicion, if the facts mentioned have any basis whatever, of a much wider conspiracy against the public welfare both of the Choctaws and the United States."

The communication from the Department was transmitted by the President to Congress with his message of February 18, 1892, in which message the President, after alluding to the section in the Indian appropriation act of 1891, said in part:

"If this section had been submitted to me as a separate measure, especially during the closing hours of the session, I should have disapproved it; but as the Congress was then in its last hours a disapproval of the general Indian appropriation bill, of which it was a part, would have resulted in consequences so far-reaching and disastrous that I felt it my duty to approve the bill. But as a duty was devolved upon me by the section quoted, viz, the acceptance and approval of the conveyances provided for, I have felt bound to look into the whole matter, and, in view of the facts which I shall presently mention, to postpone any executive action until these facts could be submitted to Congress.

"Very soon after the passage of the law it came to my knowledge that the Choctaw legislature had entered into an agreement with three citizens of that tribe to pay to them, as compensation for procuring this legislation, 25 per cent of any appropriation that might be made by Congress. The amount to be secured by these three agents, under this agreement, out of the three-fourths interest in the appropriation of the Choctaw Nation, is \$560,896. I have information that a contract was made by the Chickasaws to pay about 10 per cent of their one-fourth interest to the agents and attorneys who represented them.

"Within a month after the passage of the law R. J. Ward, one of the agents who was to divide with his two associates the enormous sum to be paid by the Choctaws, presented to me an affidavit dated April 4, 1891, which is herewith submitted. It appears from his statement that the action of the Choctaw council in this matter was corruptly influenced by the execution of certain notes signed by Ward for himself and his associates in sums varying from \$2,500 to \$15,000. His associates deny any knowledge of this, but the giving and existence of these notes is not refuted. The statement of the two associates of Ward, denying any knowledge of or participation in this fraud, are also submitted, together with other papers relating to the matter. Whatever may be the fact as to the use or nonuse of corrupt methods to secure this legislation from the Choctaw council, I do not think the Congress of the United States should so legislate upon this matter as to give effect to such a contract, which I am sure must have been unnoticed when the measure was pending. If the relations of these Indians to the United States are those of a ward, Congress should protect them from such extortionate exactions. We can not assume that the expenses and services of a committee of three persons to represent this claim before Congress could justly assume such proportions. The making of such a contract seems to convey implications which I am sure are wholly unjust.

"After the passage of the appropriation bill legislation was had by the Choctaw Nation looking to the completion of the contract made with their delegates as to the payment of this money; but subsequently, when it was supposed that this extraordinary arrangement might require me to bring the matter to the attention of Congress, an act was passed by the Choctaw general council, approved October 19, 1891, declaring all contracts made by the Choctaw delegates with any attorneys in connection with this appropriation void and of no effect. A copy of this law will be found with the papers submitted. There has also been submitted to me an unofficial copy of the opinion of the attorney-general of the Choctaw Nation, holding that this last legislation is unconstitutional and void. I am of the opinion that, if this appropriation is to stand, provision should be made for protecting these tribes against extortionate claims for compensation in procuring action by Congress.

"Copies of the several laws passed by the Choctaw Nation with reference to this matter will be found in the accompanying papers."

All of the foregoing correspondence will be found printed in Senate Executive Document No. 42, Fifty-second Congress, first session. On pages 24 and 25 of that document will be found the following:

WASHINGTON, D. C., November 4, 1891.

THE PRESIDENT OF THE UNITED STATES:

SIR: We, the undersigned, commissioners appointed by an act of the general council of the Choctaw Nation approved October 19, 1891, being authorized and directed to proceed to Washington City, D. C., and make a respectful formal demand upon the United States for the payment of the money appropriated by Congress, approved March 3, 1891, do hereby most respectfully appeal to you for just and speedy action in the premises.

We would most respectfully submit that our people, having learned of this appropriation for their benefit by the Congress of the United States, do not understand the cause of the delay in the realization of the money, a portion of which, by recommendation of the governor and general council of the nation, will be set apart for schools and purposes of internal improvements, and therefore much anxiety and restlessness prevails in the nation, to the detriment of harmony, peace, and good order among the people.

We desire to assure the President that no portion of this money is to be paid for improper and illegal purposes. No agents or lobbyists have been employed by us to advocate our claims or to attempt to influence improperly or illegally either Congress or any officer of the Government.

We have employed and engaged the professional legal services of Gen. J. Hale Sypher, who presented us this morning. He is our true and lawful attorney and representative, and we have none other authorized to represent or to act for us.

Very respectfully, your obedient servants,

WILSON N. JONES,
Governor and Principal Chief of the Nation,
GREEN McCURTAIN,
Treasurer of the Nation,
THOS. D. AINSWORTH,
Special Delegate of the Nation,
Commissioners of the Choctaw Nation of Indians.
J. HALE SYPHER,
Attorney and Counselor.

DISTRICT OF COLUMBIA, ss:

Subscribed to before me this 4th day of November, A. D. 1891.

[SEAL.]

ALLEN R. ADAMS, Notary Public.

The foregoing is the "power of attorney set out on page 25 of the message of the President," referred to in the bill (S. 3359) under consideration. It will therefore be seen that the "attorney and representative" of the Choctaw Nation, for whose relief the bill is intended, is Gen. J. Hale Sypher, an attorney of this city.

It does not appear that any contract between parties claiming to represent the Choctaw Nation and General Sypher was ever submitted to this office for approval under section 2103 of the Revised Statutes. Apparently the only information had by this office that such a contract ever existed is contained in a printed brief prepared by General Sypher, which was recently left by him with the office.

In said brief it is stated that on November 7, 1891, a contract was executed between J. Hale Sypher, attorney and counselor, party of the first part, and Governor Wilson N. Jones, principal chief; Hon. Green McCurtain, national treasurer, and Hon. Thomas D. Ainsworth, special delegate, commissioners, appointed by act of the general council of the Choctaw Nation, approved October 19, 1891 [April 9, 1891 (?)], parties of the second part, in which it was provided that General Sypher should be paid for his services "10 per cent of whatever sum of money or other evidence of indebtedness which may at any time be awarded or recommended on account of said claim," meaning the claim of the Choctaws to \$2,206,987.50, being their share of the appropriation made by the act of 1891.

General Sypher makes the assertion in the closing paragraph of his brief that he "held a properly executed and binding power and contract and labored in this behalf many years and did not receive a dollar," but was defrauded out of his "fairly and justly earned fee."

It should be noted that this alleged contract was executed on November 7, 1891, by a Choctaw delegation appointed under the Choctaw Act of October 19, 1891, which act was declared unconstitutional and void by the national attorney of the Choctaw Nation in an opinion rendered October 30, 1891. (See Senate Ex. Doc. 42, 52d Cong., 1st sess., p. 28.) If this act was void—and undoubtedly it was, as it sought to impair a prior contract obligation, to wit, the agreement of the Choctaws to pay the delegation of 1889 25 per cent of the sum recovered by it to the nation—then every act performed by the new delegation must have been a mere nullity, including the contract made with General Sypher.

General Sypher could not have "labored in this behalf many years," as he states he did in his brief, as less than two years elapsed from November 7, 1891, the date of his contract, until June 2, 1893, the date on which the payment of the \$2,206,987.50 was made to the treasurer of the Choctaw Nation.

This payment was made by the Government direct to the treasurer of the Choctaw Nation without deducting any attorney's fees, but it appears that the nation afterwards compensated its delegation of 1889 and certain attorneys, as follows:

James S. Standley, settlement of amount due delegation of 1889..	\$551,746.87
D. M. Ross, attorney fee, as per contract.....	75,000.00
John C. Orrick, attorney fee, as per contract.....	66,200.00

A detailed statement showing these payments is contained in Senate Executive Document No. 8, Fifty-third Congress, first session.

In a report made by General Sypher as "attorney for the Choctaw Nation," found in a printed pamphlet left by him with this Office, and made subsequent, it is presumed, to the date on which the nation received payment of the money, he characterized the payments to the agents and attorneys as an "outrageous and shameful robbery," which could not have been consummated without the active cooperation and participation of the Choctaw national treasurer. He declared that he had more than earned his fee as stipulated in his contract, but added that since the Choctaws "have been so shamefully and outrageously robbed of nearly one-third of the appropriation," he would wait a reasonable time for the principal chief to take such action as will justly remunerate him (Sypher) for his professional services to the Choctaw Nation.

This last statement of General Sypher may account for his present application to Congress for relief, as embodied in the bill S. 3359. He probably failed to reach a settlement satisfactory to him with the Choctaw national authorities.

It seems to this Office that General Sypher's contract and the claim made by him thereunder must be judged by the standard of the laws of the Choctaw Nation. It never had any standing under Federal law. And as the Choctaw law under which the contract was made was declared unconstitutional and void by competent authority of the Choctaw Nation, it follows that the contract must also be held invalid.

The enactment of the bill S. 3379 is therefore not recommended.

The copy of the bill received with the Department's letter of January 15, 1904, is herewith returned with a copy of this report.

Very respectfully,

W. A. JONES, Commissioner.

Mr. McCUMBER. Mr. President, I was not present with the committee when this case was finally adjudicated. However, I was there during the entire time of its consideration.

I do not think there are many things to be taken into consideration in determining what is a just and appropriate sum to be paid to Mr. Sypher as attorney for the Choctaw Nation. These facts appear—they are undisputed: By an act of the Choctaw Nation a certain committee was authorized to proceed to the city of Washington and there employ an attorney who would give his services in securing for them the payment of a claim of about \$3,000,000 against the Government of the United States. This commission proceeded to the city of Washington under that act of the Choctaw Nation, and they employed Mr. Sypher to look after their interests.

There is nothing here to show that Mr. Sypher knew of any of the conditions prior to that time or of the fact that this act might, by an Indian attorney, be declared unconstitutional. He went to work under the authority that was given him. He performed services under the contract, which provided for a contingent fee. He was to receive 10 per cent on this sum of nearly \$3,000,000 in case he succeeded in securing its payment by the United States to the Choctaw Nation. He was to receive nothing, of course, if he did not succeed. He therefore put his time and his labor against the contingency of securing the proper amount or an amount that would be agreeable to the Choctaw Nation. He absolutely performed, according to the statement which appears before us, nearly two years of actual service, and was almost continuously engaged on that particular case.

Now, it is true that he would have received about \$260,000 as his fee had he been successful in securing the payment of the claim. It is true also as a matter of law that if he did not succeed in gaining his point and securing the payment he would have

received nothing. Therefore, he is not entitled to recover his 10 per cent.

Now, why did he fail? That is a matter which should be presented to every attorney in the Senate. He failed not because of any lack of diligence on his part, not because of any lack of skill upon his part, but because the Choctaw Nation thought they saw another channel through which they could reach the new Administration that would be more successful. Therefore, without taking into consideration at all the amount of labor that had been performed by General Sypher, they summarily dismissed him, after he had succeeded in preparing all of the papers and doing all of the things required as a condition precedent to securing the payment of this sum. Now, the nation say he should recover nothing whatever for his services, because he was to receive a contingent fee, but they themselves, by their discharge of him, placed it out of his power to secure this fee.

I have the right to assume that, as the following Administration, the Administration of President Cleveland, directed this payment, it was properly directed and that there were legal grounds for its payment. Therefore, I have a right to assume that if the nation had not discharged General Sypher he would have received the entire sum of \$265,000; in other words, that it was not necessary to have the lobby which afterwards charged more than \$600,000 for their services.

So the question which would be presented to an attorney in this case is one of equity: What should be paid General Sypher upon the quantum meruit for his services? He performed those services. The amount involved was \$3,000,000. He would have received a large fee. Therefore, taking into consideration the amount which he would have received had he carried his contract on to the end and secured the payment of the sum, taking into consideration his ability as an attorney, and taking into consideration the length of time he was employed, it seems to me the only question presented here is one as to the amount that should be paid.

It may be that \$50,000 for eighteen months' or twenty months' labor is too high; possibly I myself would not have agreed to give him that much had I been there; but I certainly would have voted to pay him a reasonable sum.

It seems to me the fact of the payment that was made to the others, the fact that somebody in the Choctaw Nation, whom they declare to be their attorney-general, found, for convenience, to get rid of this man's contract, that the provision was unconstitutional and that they could discharge him under it, should not be taken into consideration by the Senate in determining what the services of General Sypher were worth.

It is a fact undisputed that the payments which were made were payments that were made upon the papers and upon the record prepared by General Sypher; and therefore if this law was unconstitutional in one part, it seems to me as though the whole act was tainted with unconstitutionality, and they should not have received any sum of money under it. But they did receive their money through the labors that were performed under this contract.

Now, what amount should be paid him? If \$50,000 is too much, let us agree upon some sum that will be reasonable and just and appropriate in this matter. He has waited many years for payment for his services. He performed the services. So far as this record shows, he performed them conscientiously and honestly, not only services to secure the \$3,000,000, but also to prevent the same nation from being robbed out of \$600,000 additional by a set of lobbyists. He has done his duty.

It seems to me, Mr. President, that this nation should be compelled—and they have the money—to pay him some reasonable sum. If \$50,000 is too much, let us place it at what amount we think would be right and just in view of all the considerations.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. KEAN. Mr. President, I withdraw the amendment to the amendment.

The PRESIDING OFFICER. The Senator from New Jersey withdraws the amendment to the amendment. The question recurs on the adoption of the amendment.

Mr. KEAN. I hope the Senate will disagree to the amendment.

Mr. TELLER. I hope not.

Mr. FORAKER. I do not know anything about this matter except what I have learned from the statement just made by the Senator from North Dakota [Mr. McCUMBER]. If his statement is true—as I have not any doubt it is—I think the money ought to be paid. I shall vote for the amendment, and I hope it will be agreed to.

Mr. ALLISON. Mr. President, the claim for attorney's fees made by Mr. Sypher appearing in this bill is the first knowledge I have had that he had any claim for services. The original matter of the Choctaw Nation is perfectly familiar to most of those who were in the Senate in 1891. This Choctaw and Chickasaw claim, so called, was pending here and pressed upon the consider-

ation of the Senate for a great many years. Finally, in the short session ending the 4th of March, 1891, an amendment was put upon the Indian appropriation bill providing for the payment of \$2,900,000, in round numbers, to the Choctaws and Chickasaws for certain lands.

As I remember it, there was in fact no real foundation for this claim. It had been reported against over and over again, and the executive officers had decided that the claim was not one which ought to be paid by the United States.

Mr. SPOONER. You mean the \$3,000,000?

Mr. ALLISON. I mean the \$3,000,000. But it had been pressed upon Congress year by year, and when the appropriation was finally agreed to by the two Houses there was hesitation by President Harrison in signing the bill. He regarded it, from his investigation, as a claim that had no real foundation, and therefore he would have vetoed the bill but for the fact that it passed upon the 3d of March, and its failure would have required an extra session of Congress. Therefore he signed the bill, there being other matters in the bill important to the Indian Service and which could not have been carried out without an extra session of Congress.

President Harrison, the Secretary of the Treasury, the Secretary of the Interior, and others for the time being hesitated about paying over this money, arising out of contracts between various attorneys. I will not call them lobbyists, but they were people employed by the Choctaw Nation to secure from the Government of the United States this payment for certain lands. I think the Senator from Colorado was then a member of the Senate.

Mr. TELLER. I was.

Mr. ALLISON. He will remember all the facts, perhaps, more clearly than I do, but I think the claims for attorneys' fees amounted to \$700,000 or \$800,000, and there was a conflict between them as to who were entitled to the money. Among the attorneys who had been employed from time to time, some employed and then discharged, and others employed in their places, there were questions arising, covering several years, as to what should be paid to them. So the money was not presently paid. They were all here, and in one way and another claiming their portion of the money. Finally it was paid. The statute itself provided how it should be finally paid.

The statute—that is, the amendment of the appropriation bill—itsself provided that this money should be paid to a duly authorized agent or agents of the Choctaw and Chickasaw nations. They received some \$2,200,000, and then of course this swarm of attorneys appeared for their proper proportion of the fees connected with this payment, and, as I see from the paper here, \$551,000 was paid to certain people who had served the Choctaw Nation in securing the appropriation.

After that had been done the Committee on Appropriations was badgered certainly for two or three years by other attorneys claiming that in the adjustment of the fees and the payment of the \$551,000 they had not been paid or that they had not received their proper share. The heirs and executors of Albert Pike made a very clear statement to the Committee on Appropriations showing that Albert Pike had done a very large amount of service in this regard for the benefit of this claim, and I think on a deficiency appropriation bill provision was afterwards made to pay the heirs of Albert Pike.

Mr. TELLER. It was in the Indian appropriation bill.

Mr. ALLISON. It was done in the Indian appropriation bill.

Mr. KEAN. Seventy-five thousand dollars.

Mr. ALLISON. Seventy-five thousand dollars.

Now, of course, with this transaction Mr. J. Hale Sypher had no connection whatever. He appeared on the scene after the money had been appropriated by Congress and at a time when there was no possibility of escaping the payment of the money under that statute unless it was repealed, modified, or suspended in some way. There were no papers, there could possibly be no papers, in the case unless it should be a legal argument to show something for or against a particular attorney who should share in this money after it had been paid over to the Choctaw Nation. What services Mr. Sypher rendered to the Choctaw Nation as respects these attorneys I do not know.

Mr. STEWART. It was necessary for him to make out the deeds and prepare the papers on which the President would act. The approval of the President was required.

Mr. ALLISON. There were deeds of the land, of course, to be made up. The statute required certain things that the Choctaw Nation should do. They had to make out a quit claim deed for this land, which they had sold and had been paid for many years before; but inasmuch as it was necessary to show that there was some title in the Choctaw Nation, the amendment provided that they should execute deeds, as the foundation of the whole claim was that they had some shadowy title to these lands. It was purely a shadowy title.

The Committee on Appropriations at that time investigated it

with the utmost care, and so far as I know they were unanimous in the belief that the claim ought not to be paid by the Government of the United States.

Mr. TELLER. What do I understand the Senator to say was unanimous?

Mr. ALLISON. That this Choctaw claim ought not to be paid. I am speaking of the committee.

Mr. TELLER. The Committee on Appropriations?

Mr. ALLISON. Yes.

Mr. PLATT of Connecticut. If the Senator will permit me, he will remember, if he has not already stated it, that when President Harrison sent in his message, a resolution was introduced in the Senate directing it to be paid without the approval of the leases by the President; and the Senator will also remember that both he and myself took quite a part in that discussion and that the resolution did not pass the Senate.

Mr. ALLISON. Yes; I had not stated that, and it is not material to what I was about to say.

Now, Mr. President, I have no doubt that Mr. Sypher did some work here. That is shown by the fact that he went to the Choctaw people and got an agreement out of them to pay him 10 per cent of an appropriation which had already been made by Congress.

Mr. TELLER. I wish to say to the Senator that I think the evidence will hardly justify the statement that he went to them at all. They came to him.

Mr. ALLISON. Very well.

Mr. TELLER. They came to him and solicited his assistance.

Mr. ALLISON. I do not wish to do injustice to Mr. Sypher. The three commissioners probably came here and employed him.

Mr. TELLER. It was after the President had declined to make the payment.

Mr. ALLISON. Very well. Mr. Sypher was employed, and he undoubtedly did work, but that work was done for the Choctaw Nation, and it was done under a contract with them and not under a contract, as I understand, that we are bound to respect, because it was not registered in the Interior Department, as every contract must be, the theory being that it must receive the approval of the Secretary of the Interior before it is registered.

He performed that service and ought to be paid. I have no doubt, a reasonable fee. Whether the amount here proposed is reasonable or unreasonable I do not know, but I have often seen such appropriations go around in a circle. Now, without the consent of the Choctaw Nation, without their approval and against their protest, we propose to take \$50,000 out of their money.

Mr. LODGE. And against the protest of the Secretary of the Interior.

Mr. ALLISON. Is it not perfectly plain that the Choctaw Nation will come to the United States with another claim and have another attorney who will say that we improvidently and improperly took \$50,000 out of their money, and that we must restore the money to their credit in the Treasury? Now, that will be the result of it. We have done that in the past in instances I remember. I venture the prophecy that we will argue this case over again five years, ten years, hence, when it will present itself in the form of restoring to the Choctaw Nation the money they are entitled to because of this improvident appropriation made out of their funds against their protest.

Mr. STEWART. If the Senator will allow me, I understood him to state that they were not entitled to any of the \$3,000,000 they did get.

Mr. ALLISON. I so stated, and I so believe now.

Mr. STEWART. If they got all of that sum, to which they were not entitled, they ought to divide with some of those who did the work for them.

Mr. ALLISON. They certainly ought to divide with all the people who helped them.

Mr. FORAKER. Before the Senator takes his seat, I wish to ask him to inform me whether or not I correctly understood him. I understood the Senator from North Dakota [Mr. McCUMBER] to say that this employment of Mr. Sypher commenced before the money was appropriated.

Mr. ALLISON. Oh, no.

Mr. FORAKER. I understood the Senator from Iowa to say that he was not employed until after the money had been appropriated. What was the employment for, then?

Mr. ALLISON. I understand it was an employment to get the money the appropriation provided for.

Mr. FORAKER. Did not the appropriation provide that it should be paid?

Mr. ALLISON. It did so provide, but—

Mr. TELLER. Will the Senator allow me to make a statement? President Harrison declined to make the payment.

Mr. FORAKER. I was not aware of that.

Mr. TELLER. He declined for two reasons, I think; and I

know something about it. One reason, I think, was that he was of the opinion the Senator from Iowa says the Committee on Appropriations were.

The PRESIDENT pro tempore. The Senator from Colorado will please suspend one moment while the Chair lays before the Senate the unfinished business.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. NELSON. I ask that it be temporarily laid aside.

Mr. STEWART. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Nevada asks that the unfinished business be temporarily laid aside, and that the Senate proceed with the consideration of the appropriation bill. The Chair hears no objection.

Mr. TELLER. That opinion was that the Choctaws ought not to have anything; that it was an improvident act on the part of Congress.

Mr. ALLISON. A gratuity.

Mr. TELLER. A gratuity. And the further reason was that they had made arrangements of such a character that a large portion of the money was to be diverted from the Indians into the hands of improper persons. That, I think, in General Harrison's mind was the real governing cause why he declined for nearly two years to make the payment.

Mr. LONG. And he never did.

Mr. TELLER. And he never did make it, although there is reason to suppose it would have been made by him had the Treasury been flush. I think it can be demonstrated that he would have paid it; but just at that time, when he was going out, there was not a superabundance of cash on hand.

Now, Mr. President, I want to say a word in reply to the Senator from Iowa.

Mr. FORAKER. Before the Senator passes from that, let me inquire what, then, was the particular service General Sypher was employed to render?

Mr. TELLER. In securing, first, all the necessary steps which they had to provide for in order to have the money paid over. They could not have it paid over without doing certain things, as the Senator from North Dakota says, conditions precedent which they were to perform, and in inducing the President, if he could, to forego his objection to the payment upon the assurance, as he had from the commission who came here, that they would not allow to be diverted to lobbyists the money that properly belonged to the Indian tribe.

Mr. ALLISON. If the Senator will allow me, I should like to read the clause making the appropriation in the act.

Mr. TELLER. Very well; I have no objection.

Mr. ALLISON. It provides as follows:

And the sum of \$2,961,450 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to pay the Choctaw and Chickasaw nations of Indians for all the right, title, interest, and claim which said nations of Indians may have in and to certain lands now occupied by the Cheyenne and Arapahoe Indians under executive order; said lands lying south of the Canadian River, and now occupied by the said Cheyenne and Arapahoe Indians. Said lands have been ceded in trust by article 3—

Mr. TELLER. When?

Mr. ALLISON (reading):

Said lands have been ceded in trust by article 3 of the treaty between the United States and said Choctaw and Chickasaw nations of Indians, which was concluded April 28, 1866, and proclaimed on the 10th day of August of the same year, and whereof there remains, after deducting allotments as provided by said agreement, a residue ascertained by survey to contain 2,365,180 acres; three-fourths of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of said Choctaw Nation, and one-fourth of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Chickasaw Nation to receive the same, at such times and in such sums as directed and required by the legislative authority of said Chickasaw Nation.

Now, after this appropriation, Mr. Sypher became the attorney of the Choctaws under this appropriation in connection with the agent. I understood the Senator from Colorado to say that he was one of the agents.

Mr. STEWART. He was one of the commission.

Mr. TELLER. There was a commission of three.

Mr. ALLISON. He was one of the commission.

Mr. STEWART. Authorized by the statute.

Mr. ALLISON. Authorized by the statute. Now, the thing that was to be done was simply to prepare the necessary claims and deliver—

Mr. TELLER. Oh, no, Mr. President.

Mr. ALLISON. And deliver the necessary orders of the Choctaw Nation as respects the payment. That is all there is to it.

Mr. TELLER. No, Mr. President, that is not a fair statement. The President of the United States, as I said, declined to pay this

money. There is not any law I know of that would compel the President to make payment if he declines. How far he may decline and what will be the proper thing for him to do is a question I do not care to go into. There was a very strong feeling, as the Senator has said, that this provision ought not to have been made, and there was a good deal of talk to the effect that it should not have been passed, but of course it could have been legally reached only by a reconsideration or repeal of the act.

Now, Mr. President, I am not willing to admit that this was one of the cases there is no question about, as the Senator from Iowa would seem to indicate.

From 1866 up to the day the appropriation was made these Indians were before the Interior Department pressing this claim day in and day out, and I have not any doubt that they had twenty-five or thirty different attorneys, first and last, doing that thing. Every man connected with the Department knew that it was a very sore question with the Indians. They believed that they were being defrauded by the Government. I knew something about it. It is a long time ago, and of course I will not attempt to state from memory exactly what was done, but I know it was one of those things that had bothered Congress and had bothered the Executive Departments. Finally it was determined to get rid of the thing and pay it off, just as we pay off a good many other things which Indians have brought against us, in order that we might maintain the confidence and good will of the Indians, and because the legislative department and the executive department have felt that if there was any error anywhere we had better make it against the Government of the United States and not against the Indians; that if there was a doubtful question, we would give the Indian the benefit of the doubt and not take it ourselves, because the Indian was absolutely helpless and we had the power, and that as became a great nation we would deal with our wards in a generous manner.

Now, Mr. President, this payment had been pressed again and again. There was not a Senator who voted for it who had not heard it discussed on and off here for years and years and knew all about it. Whatever opinion he might have, he had had an opportunity to make up his mind from the record. When he came to deal with these questions he could go to the record and take the facts and determine, as no man could unless he went through the whole question from beginning to end.

Mr. PLATT of Connecticut. Will the Senator permit me to interrupt him? The original claim, if it has any bearing upon this amendment, arose in this way: In 1866 the Cherokees, Chickasaws, and Choctaws leased to the Government land, to settle friendly Indians upon it, west of the one hundredth meridian. They claimed that they had never done anything except to lease the land, and when the Government appropriated it and divided it up among the Indians it was bound to pay them.

The Government, on the other hand, claimed that subsequently there had been another treaty in which the Indians had parted with the title, and it involved not only this but some 12,000,000 acres which were in the same situation. It was finally decided in a suit in the Court of Claims and in the Supreme Court within the last two or three years that the Indians had no title to it. The Court of Claims found that they had. The Supreme Court reversed them and found that the original contention of the Government that the Indians had parted with their title was correct.

Mr. TELLER. Mr. President, I did not intend to go into an intricate and difficult explanation, but that is stated very frankly and very clearly.

Mr. BACON. With the permission of the Senator, I should like to ask if I understood him correctly. I understood the Senator to say that after this money had been appropriated it was within the power of the President of the United States to say that it should not be paid. Am I correct in that?

Mr. TELLER. I do not know what the Senator understood, but that is not what I said. I did not say that it was within his power. I said there was no way I know of, if he declined to pay it, to make him do it.

Mr. PLATT of Connecticut. The condition to the payment of the money was that proper conveyances should be executed and approved by the President of the United States.

Mr. BACON. Oh, well, then—

Mr. PLATT of Connecticut. And he declined to approve those conveyances, not, perhaps, because they were improper, but upon the ground—

Mr. TELLER. Not because they were irregular or defective, but because he did not want to make the payment.

Mr. BACON. I beg the Senator's pardon. I was not familiar with those facts, but I was rather struck by the statement, and I wanted to know if I understood him correctly.

Mr. TELLER. Nobody imputes any impropriety to President Harrison. There was ten times as much trouble and fuss made about the appropriation after it was made as was made before, and if it had been made before, the appropriation would not have been made at that time, I presume. But, in my judgment, what-

ever might have been the subsequent conclusion of the court, it was a doubtful question and one that we did well, I think, to get rid of by an appropriation not larger than that which was made.

Now, Mr. President, I want to say a word or two about the service of General Sypher.

Mr. McLAURIN. Will the Senator allow me to ask him a question before he proceeds with that point?

Mr. TELLER. Certainly.

Mr. McLAURIN. In the determination of the liability of the Choctaws and Chickasaws to General Sypher, and if liable the amount for which they were liable, were these two tribes, by their representative or in any other way, heard before the committee?

Mr. TELLER. There is but one tribe, the Choctaws, involved here. The Chickasaws have nothing to do with it.

Mr. McLAURIN. Was that tribe, either by its representative or in any other way, heard before the committee?

Mr. TELLER. A bill was introduced for the payment of this debt. It was referred to the Committee on Indian Affairs and a subcommittee was appointed, of which the Senator from Connecticut [Mr. PLATT] was one and the Senator from California [Mr. BARD] the other. I do not know whether there was a third member of the subcommittee or not.

They took this matter up and had it under consideration for some time. I do not know how long they had it before them, because this bill was referred to them some time ago. They notified the attorney of the Choctaws, who is here, of this controversy. He claimed that they wanted to produce papers of some kind—I do not know what—but his objection, I understand, grew out of the fact substantially that after they had passed the act and after General Sypher had come here and done his work to a large extent the attorney-general of that Territory, the Indian attorney-general, decided that it was unconstitutional—that the act was unconstitutional—and thereupon they ignored Mr. Sypher after he had practically rendered the service. Just when that was done I do not recall, although it is in the papers; but the commission appointed under that unconstitutional act kept on and received the money finally.

Mr. PLATT of Connecticut. They signed the conveyances on which the money was paid.

Mr. TELLER. They signed the conveyances and made the deeds to the Government, all of which were accepted eventually and all approved before they were accepted—that is, approved as to their form. The attorney-general of the Department decided that they were wrong and needed still the approval of the President. It was at that time, I think, that General Sypher was employed. When the act was passed the Choctaw people were in fear that the provision in the act of Congress would be repealed and that they would be remitted to their original state, and of course they were anxious to get the money and get it as quickly as they could, as they always are.

Mr. President, I believe that, under the circumstances, this provision has met our approval as to the amount; in fact, I know it met the approval of the two Senators who have had the matter in hand. General Sypher said to them: "Whatever you think I ought to have, if you will state the amount, I will take it." General Sypher rendered these Indians services, practically, as the Senator from Connecticut [Mr. PLATT] says, for nearly two years to the exclusion of all other business.

Mr. CLAY. Will the Senator allow me to ask him how long Mr. Sypher was engaged in this service?

Mr. TELLER. I have stated that about three times.

Mr. CLAY. I did not hear the Senator. I was out of the Chamber.

Mr. PATTERSON. General Sypher rendered about twenty months' service.

Mr. TELLER. He rendered about eighteen or twenty months' service; practically two years' service, and ever since he has been trying to get his pay.

Mr. CLAY. He was employed to get the money after the act of Congress was passed?

Mr. TELLER. Yes; because the President of the United States declined to approve the deeds; not because he considered them irregular, but because no money could be paid until he did approve them, and he was doubtful whether, under certain conditions, the payment ought to be made at all.

I think, as I stated before the Senator from Georgia came in, that there were two objections. One was that a very large part of this amount would go to a lobby.

Mr. CLAY. Is not \$50,000 a rather large sum for twenty months' service?

Mr. TELLER. General Sypher had a contract with the Indians to receive 10 per cent of the amount secured; and they prevented him from completing his contract by discharging him.

Mr. President, as I said before, we have a precedent here in dealing with these people, and that was only in 1901, when it was necessary to compel them to pay General Pike. He had been their attorney for at least twenty or twenty-five years; he had

been for at least twenty years, to my certain knowledge. I made the acquaintance of General Pike in 1866, and I had known him intimately from that time on. I knew he represented those Indians. He was himself, in person or by his son, at all times, more or less, during that period their attorney; at least he was while I had anything to do with these affairs.

Mr. PATTERSON. I would ask the Senator whether the \$75,000 paid to Albert Pike was in addition to the six hundred and odd thousand dollars paid to the other gentlemen?

Mr. TELLER. That was in addition to the fees of the other attorneys. The Indians made no provision for the payment of General Pike, and they did not intend to pay him. They only paid him because Congress compelled them to do so; and they will not pay this claim unless Congress compels them to do so.

Mr. QUARLES. Mr. President, it seems to me there is one weak spot in this claim as it now stands, notwithstanding the very full and persuasive statement made by the Senator from North Dakota [Mr. McCUMBER]. I have not the honor of being a member of this committee, but I am informed that the Indians were not represented at all before that committee when this matter was being considered. The Senators who are members of the committee will correct me if I am wrong.

Mr. TELLER. I will suggest to the Senator that that is an incorrect statement, for their attorney was before the committee—whether the Senator was there or not I do not know—and the attorney was also before the subcommittee, as I understand.

Mr. McCUMBER. And he also appeared before the whole committee.

Mr. TELLER. Yes; he appeared before the whole committee.

Mr. STEWART. I notified the attorney immediately on the filing of this amendment, and told him to notify the nation that we would give them a hearing, or that the conference committee would give them a hearing if the bill should pass before they had a chance to appear before the committee, and I urged him to have the papers sent in.

Mr. TELLER. That was before the committee reported this bill—while it was pending before the committee.

Mr. QUARLES. I understand that the attorney has requested the privilege of introducing some papers which have a bearing on this question, and that they were not received or considered by the committee. I will ask the Senator from California [Mr. BARD] if that is correct?

Mr. BARD. Yes. I will say, however, in that connection, that the request of the attorney for the Choctaw Nation to introduce those papers at the hearing and to consider this matter was made about thirteen or fourteen days ago. He stated, however, in answer to questions that were put to him, that he was not then prepared to reply; that in order to do so, it would be necessary for him to send for certain papers to the Choctaw Nation, and that he had sent for the papers, which were then inaccessible to him, it being a long way to Washington.

Mr. QUARLES. Thank you.

Now, Mr. President, here is the trouble, as suggested by the Senator from Iowa [Mr. ALLISON]: If we sit here practically as a judicial tribunal to pass on this question, and take \$50,000 out of the treasury of the Choctaws and the Chickasaws, without giving them a full and complete hearing, we will certainly have this bill coming back here again for a return of this \$50,000 on the ground that the Indians were not heard, as they had a right to be; that they have not had their day in court; and not only will that claim be presented, but it will be allowed, and will pass this Senate.

It would seem to me, therefore, far better that this amendment of the committee should be disagreed to at this time and take the matter up after the representatives of the nation have had a full and complete hearing and the nation has had its day in court.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. QUARLES. Certainly.

Mr. McCUMBER. I simply wanted to say to the Senator that, while I was not present at any of the subcommittee meetings which had this matter in charge, the attorney representing the Choctaws was before the full committee at its meeting on Saturday and urged his objections to the bill at that time. Neither by word nor by act nor in any manner did he indicate that he wanted any further time before the full committee; nor was there anything stated in the arguments on either side to the effect that more time was required. The attorney submitted his case to the committee. He did not ask for further time. And so the committee had a right to assume that he was not asking for further time to introduce any new matter.

Mr. STEWART. One other matter. In this bill there is an appropriation of \$700,000 to pay the Choctaws for lands that were taken by the freedmen. Although we are legally bound for it, and it will be put in as an appropriation, I do not think that originally it had very much foundation. I do not think that after the

war we ought to have paid them anything. We ought to have given the money to the negroes at the time. The loyal Creeks came here with a delegation and stayed for three or four months. A portion of them insisted that there should be no treaty signed on the part of the loyal Creeks without such a provision; and they stayed here until they had secured the insertion in the treaty of a provision that the blacks should share equally with the Indians, that they should be treated in that way, and they have been treated in the same way. The Choctaws ought to have been treated in the same way; but they have not been. We gave them the land, and the court held that the United States must either take the land away from the negroes or pay for it. Finally it got settled upon a money appropriation. Here is \$700,000 which I do not think ever ought to have been exacted.

Some of the Indians had been in rebellion. The Creeks had been divided about equally. The loyal part of them insisted that the negroes should be taken care of in any arrangement made; but the Choctaws did not; and the Government has to buy that land in order to give the negroes 40 acres apiece, and we pay for it in this bill.

The Choctaws knew what was going on. Their attorney was before the committee and knew what was being done, and some suggestion was made about having papers. I saw him last night, and I told him if he had anything to present, he could bring it before the conference committee; that anything that would defeat this agreement could undoubtedly be heard there. There was no snap judgment taken. These Indians should be fairly dealt with. I think the Choctaws have been pretty liberally dealt with in this bill, and they ought to pay their debts.

Mr. SPOONER. Mr. President, only a moment. It seems to me to be entirely beside the question involved here to discuss the proposition whether Congress should or should not have appropriated the \$3,000,000. That was adjudicated by Congress, the appropriation was made, and it can not be recalled.

The nation ought to be made to pay a lawyer who, under contract, performed services for the nation in obtaining property or in obtaining an appropriation or in attending to the business of the Indians. It is ridiculous, really, that such claims should come before the Senate in this way.

The proposition is that we should take this sum out of the moneys which belong to the Choctaw Nation—somebody's else money—which the Congress is called upon to appropriate, and of course the facts should be ascertained in the clearest possible way, and under circumstances which would enable the owners of the money to have a full hearing on common-law proof in order that the ascertainment may be an accurate one and one binding upon both parties.

I think such a claim as this ought to have been referred—as either House of Congress has the perfect right to refer it—to the Court of Claims before it is finally passed; and there the Choctaw Nation could have its day in court and General Sypher could have his day in court.

I was told a few moments ago by the attorney, or a gentleman who represented himself as the attorney, of the Choctaw Nation that they had not had a completed hearing before the committee in opposition to this claim. The Senator from California [Mr. BARD], in the statement which he made, entirely corroborated the statement which this agent or lawyer of the Choctaw Nation made to me—that in the course of the hearing questions arose and were put to him which he told the committee he was not then prepared to reply to, and that it would be necessary for him to send for the papers out to the Choctaw Nation; that he had sent for the papers; that they were in an inaccessible place, a long way from Washington; that a part of them had been received, but that all of them had not been received.

The Senator from Nevada [Mr. STEWART] substantially stated the same thing a few moments ago, and he coupled with it a proposition which I think is entirely untenable from the standpoint of legislative propriety. He said that he had told this lawyer to get his papers, to present the objections he had to this appropriation, if he had any, and bring them before the conference committee, as I understood the Senator—

Mr. STEWART. Certainly.

Mr. SPOONER. Mr. President, that is a novel proposition. A conference committee is not to legislate. The Senate is to legislate so far as its part of that function is concerned.

Mr. STEWART rose.

Mr. SPOONER. A conference committee—if my friend will allow me to conclude my sentence—is to reconcile differences between the two Houses.

Mr. STEWART. The Senator will excuse me.

Mr. SPOONER. Certainly.

Mr. STEWART. What the Senator says is news to me, and I think it will be to everybody else.

Mr. SPOONER. In what particular?

Mr. STEWART. That conference committees do not legislate.

Mr. SPOONER. They do, but they have no right to do so.

Mr. STEWART. They have made much legislation.

Mr. SPOONER. They have made too much. There is no doubt about that.

Mr. STEWART. Does the Senator think it would be too much to request an attorney, if he had any objections to a provision in the bill, to present them to a conference committee?

Mr. SPOONER. I think—and I have no doubt about it—that before the Senate incorporates a provision in a bill it passes the Senate should have the information to enable it to decide whether or not the provision should become law. When a conference committee takes a bill into conference it represents the Senate; it is not there as a tribunal of original jurisdiction to take testimony and to hear objections. That proposition means that the Senate, half informed or uninformed, shall pass an act, so far as we enact provisions in a bill, to be overruled, in a subsequent examination as to the merits, by our own representatives in the conference.

Mr. STEWART. That occurs frequently.

Mr. SPOONER. The Senator says it occurs frequently. I admit it.

Mr. STEWART. It occurs every day.

Mr. SPOONER. It occurs too frequently, as I said a few moments ago.

General Sypher performed services. I have no doubt he did. The Senator from California [Mr. BARD] and the Senator from Connecticut [Mr. PLATT] constituted the subcommittee, and they have stated, as I understand, that he performed under contract, in good faith, services to this Indian nation, and that the reasonable value of those services is \$50,000. I was prepared to vote for this proposition if the Choctaw Nation had had full opportunity to present its objections and to sustain the objections by such papers and documentary evidence as might be relevant, but the Senator's suggestion that we shall pass it anyhow and that its agent can bring these papers later to the attention of the Senator and his conferees on the conference committee—

Mr. STEWART. Will the Senator allow me?

Mr. SPOONER. Always.

Mr. STEWART. We know very well what papers there are that they rely on.

Mr. SPOONER. Then, why does the Senator invite this gentleman to present them to the consideration of the conference committee?

Mr. STEWART. I wanted to let him bring them, if he could. I knew he did not have them. He has not got them now. The only thing the Indians relied upon from the beginning was the opinion of their attorney-general that this law was unconstitutional. They made no other excuse. Sypher has been working at this, and all we ever heard was that the law was unconstitutional.

Mr. SPOONER. What papers show that?

Mr. STEWART. We have got the statutes.

Mr. SPOONER. I ask what papers could be brought here from the Choctaw Nation to show that that law was unconstitutional?

Mr. STEWART. The opinion of their attorney-general.

Mr. SPOONER. That is here?

Mr. STEWART. That is here; all the papers are here. He can not get any other papers.

Mr. SPOONER. Does the Senator say to the Senate that it was for that purpose that that agent desired to be heard?

Mr. STEWART. He did not ask me, but I said "If you have got anything to present, bring it here."

Mr. BARD. I wish to state to the Senator from Wisconsin that, as the chairman of the subcommittee, I gave notice to Mr. McMurray, the attorney for the Choctaw Nation, and invited him to be present at a meeting before the committee, first on February 24, subsequently at another meeting on March 2, and the last on March 17. He did not appear at any of these meetings of the subcommittee, but he did appear at a meeting of the general committee on March 19. Before that committee, however, a statement was made that he had asked his people to send him certain documents and testimony, that he hoped to have them here shortly, and he thought that certain of those papers could arrive here in Washington to-day. I make this explanation to show that the committee has given him opportunity to be heard.

Mr. SPOONER. Will the Senator permit me to ask him a question?

Mr. BARD. Certainly.

Mr. SPOONER. Did the attorney state to the committee what the nature of those papers was, so that the committee could judge whether or not they were relevant to the question?

Mr. BARD. No.

Mr. SPOONER. He did not?

Mr. BARD. No; he simply described them in a general way.

Mr. SPOONER. Is the Senator from California satisfied that the Choctaw Nation could have had a hearing by the committee

before the appropriation of any money was made? If he is, I am content.

Mr. BARD. I have hesitated to join with the other members of the committee for that reason.

Mr. STEWART. What did the Senator say?

Mr. SPOONER. In this part of the Chamber the Senator was not distinctly heard. I understood the Senator to say that he had hesitated in the matter.

Mr. BARD. I hesitated, but did join with the members of the committee in that matter.

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. I yield the floor.

Mr. PATTERSON. Mr. President, the letter from the Commissioner of Indian Affairs which was read from the Secretary's desk throws some light upon this controversy, and by reference to its statements a more accurate knowledge can be had, at least as to the dates and details of the several transactions that have been under discussion. It appears from this letter that it was in 1899 that the legislative body of the Choctaw Nation passed an act under which the persons were employed who undertook to secure the necessary legislation for the claim presented by the Choctaw Nation against the United States. It was in that contract that the sum of 25 per cent was to be paid to those employed for the purpose; and it was that 25 per cent which President Harrison thought was so extortionate and smacked somewhat of fraud. But when you take into consideration the fact that this claim had been before Congress at a number of sessions and had failed; that the claim had to be, as it were, initiated; that it had to be followed through the committees and through the two branches of Congress, and that subsequently those who made the claim and entered into the contract would be required to see that the claim was paid if the appropriation was secured, the contract for 25 per cent to some lawyers, at least, will not appear as extortionate as it will to others.

However that may be, that claim was ultimately paid by the Choctaw Nation, and it was paid because it was a legal contract and a legal claim against the Choctaw Nation. For some reason, perhaps because of the objections made by President Harrison to the payment of this claim, the Choctaw Nation, on the 9th of October, passed an act which undertook to annul the contract it had made with the first agents; and on the same date—and, I think, perhaps it was in the same act—they provided for the employment of General Sypher or Mr. Sypher—whether or not he is entitled to a military designation I do not know—

Mr. STEWART. In the same act they appointed the commission.

Mr. PATTERSON. They appointed the commission, but—

Mr. STEWART. And they authorized the commission to employ counsel.

Mr. PATTERSON. Yes; authorizing the employment of Sypher. That act was adopted on the 9th of October, 1891. On the 30th of October, before the contract was entered into with Sypher, the proper authority of the Choctaw Nation declared that that act was unconstitutional.

Mr. STEWART. Oh, no.

Mr. PATTERSON. I beg your pardon.

Mr. STEWART. Oh, no.

Mr. PATTERSON. That is where some of the trouble arises.

Mr. STEWART. They did not do that until after President Cleveland came into office.

Mr. PATTERSON. That is the reason a clearer statement, or, at least, a more detailed statement, should be made. The Senator from Nevada is clearly laboring under an error.

Mr. STEWART. Oh, no.

Mr. PATTERSON. I think he is. I will show the Senator, and if I do not I will admit my error. In the brief that was filed by Mr. Sypher he went on to state his own contract, that he was appointed by the commissioners appointed by act of the general council of the Choctaw Nation approved October 19, 1891.

Mr. STEWART. They did not pass any other act. They did not pass any act repealing that act. That act is still in force.

Mr. PATTERSON. No; they did not pass any act repealing that one; but they did pass an act repealing, or practically repealing, the act under which the first contract was made.

Mr. STEWART. Yes; the first contract.

Mr. PATTERSON. The act under which the first contract was made. But the last act was passed on the 19th of October, 1891, and the attorney-general of the Choctaw Nation on the 30th of October, 1891, declared it to be unconstitutional.

Mr. President, I have here Executive Document No. 43 of the first session Fifty-second Congress. It contains the opinion of the attorney-general of the Choctaw Nation:

Office of national attorney, Choctaw Nation, Antlers, Ind. T., October 30, 1891.

That is the date of the opinion. The subject of the opinion was this act of the Choctaw legislature under which Sypher was employed.

Mr. STEWART. He went on and did the service. The commission that was appointed signed the papers, prepared everything for the payment of the money, and received all the money—all under that same act. That looks somewhat suspicious. We never heard of that act until after the money was paid.

Mr. PATTERSON. I think the Senator from Nevada does not state that with exact correctness.

Mr. STEWART. Then you are without proper information.

Mr. PATTERSON. The Indians got the money under the act of March 3, 1891, and any services that were rendered by anybody to secure the payment of that appropriation were not illegal and could not be unconstitutional, while the act that provided for the appointment of that person might have been unconstitutional. But when you take up the opinion of the attorney-general, who was the authority under the constitution of the Choctaw Nation to pass upon such questions, you find that before the Sypher contract was entered into he had declared it unconstitutional. He gives a number of reasons for the unconstitutionality of the act under which Sypher was employed. I find this stated as one of them:

This is clearly and positively unconstitutional and void.

All laws of the Choctaw Nation (article 7, treaty of 1855, between the United States and the Choctaw Nation) must be compatible with the Constitution of the United States and the laws made in pursuance thereof.

The law under consideration violates the Constitution of the United States in that it impairs the obligation of a contract, and is therefore void under the treaty as stated, especially so as the contracts were made with United States citizens.

Now, the contract that was attempted to be voided by the act under which Sypher was employed was that which authorized the first employment of those who attended to the preparation of the law, guiding it in its course through committees and through Congress and who were deliberately set aside by the act of October 19, 1891, after the law of Congress had been adopted and when nothing remained to be done, as I understand the letter of the Commissioner of Indian Affairs, but to take the necessary steps to secure the money from the Treasury of the United States.

This opinion of the attorney-general was published in the Indian Citizen, a weekly paper of Atoka, Ind. T., on Saturday, November 7, 1891. It was published in a public newspaper of the Indian Territory on the same day that the contract under which Sypher claims was entered into. It must be pretty clear that Mr. Sypher, if he did not learn of the fact at the time he made the contract, must have learned shortly afterwards, long before any particular service was rendered, that the properly constituted authorities of the Indian nation had declared the act of the Choctaw legislature, under which he was appointed, unconstitutional and void.

Mr. STEWART. So far as it abrogated previous contracts.

Mr. PATTERSON. It was unconstitutional and void, because it abrogated a previous contract.

Mr. STEWART. Had they not the right to employ more counsel? They went on with the business under the new arrangement. The act was not entirely void.

Mr. PATTERSON. The act of the Choctaw legislature not only authorized the employment of these men, but attempted to abrogate a legal, binding contract which had been entered into three years before.

Mr. STEWART. I doubt if it was legal and binding. It was for lobbying.

Mr. PATTERSON. It was for services, the principal part of which had been rendered.

Mr. McCUMBER. Assuming that that is correct, does the Senator, as a lawyer, hold that because the act was void, inasmuch as it attempted to vitiate a prior contract, it would be void so far as it affected another and future contract? Might it not be void because it vitiated or attempted to vitiate the one contract, and yet be valid as to the other contract?

Mr. PATTERSON. I can not undertake to answer that question as a lawyer or as a judge. I simply know that the act was declared unconstitutional, and that Mr. Sypher evidently proceeded to perform the duties with that opinion staring him in the face; and the Commissioner of Indian Affairs gives that as one of his reasons for holding that this claim should not be paid.

Mr. McCUMBER. That would not necessarily govern an attorney who would act upon his power and upon his authority when he could see that the authority was binding and valid, would it?

Mr. PATTERSON. I think that an attorney seeking to perform his duty as a lawyer who undertakes to perform services under and by virtue of an act of a legislature would not be content to proceed under the employment if that act by the proper authorities was declared unconstitutional and void.

Mr. McCUMBER. But the act was declared unconstitutional

and void because of a certain thing in it, and that was that it vitiated a prior act. It was not declared to be unconstitutional and void, as I understand, because it employed some one else.

Mr. PATTERSON. No; that is a mistake. The attorney-general gives a number of reasons for declaring it unconstitutional and void.

Mr. McCUMBER. Yes.

Mr. PATTERSON. And this is one of them. I cite this because the Commissioner of Indian Affairs cites this particular reason in his letter of February of this year.

Mr. McCUMBER. I understand that.

Mr. PATTERSON. A number of reasons are given, some two or three. This is the last reason that is given in the opinion of the attorney-general.

Mr. McCUMBER. There is another question right here which I should like to ask the Senator. Suppose that the attorney did hold this act to be unconstitutional. Can the nation itself plead ultra vires to the proposition that it employed a counsel to perform certain services when those services and acts have been performed and they have received the benefit of them? Could they then make that plea as against payment for the service agreed upon?

Mr. PATTERSON. I imagine that if the attorney rendered the services with notice as to the view of the law department of the State or of the nation, the Choctaw Nation in this instance, that it was unconstitutional, so far as the contract itself was concerned, he would have no claim either in law or in equity, and certainly that decision would be res adjudicata. It has never been appealed from. It was the constitutional authority under the constitution of the Choctaw Nation for passing upon questions of that kind, and it stands to-day the law of that nation.

Mr. STEWART. Is there anything in that opinion holding that the appointment of the commission was unconstitutional; that it could not go on; that any powers given to that commission were unconstitutionally conferred?

Mr. PATTERSON. It simply declares that the act is unconstitutional.

Mr. STEWART. I know that.

Mr. PATTERSON. That is all.

Mr. STEWART. If it carries the whole act, it makes it ridiculous. They have gone on under the act and got the money and all that. That is what makes the whole thing suspicious.

Mr. PATTERSON. The attorney-general gives additional reasons in this opinion.

Mr. STEWART. I do not care for the reasons he gives. If the whole act was unconstitutional, how could they make the deeds and get the money and go ahead with it?

Mr. PATTERSON. They made the deeds and got the money under the original appropriation.

Mr. STEWART. These men were appointed under that recent act—the men who carried it out?

Mr. PATTERSON. As I said before, the Senator from Nevada ought to be able to distinguish between services, by whomsoever they may be rendered, being perfectly legal, when the acts are done for the purpose of securing an appropriation already made, and an unconstitutional act.

There was nothing illegal in what Mr. Sypher did, no matter how unconstitutional the act may have been under which he was appointed; and whether it was Mr. Sypher or Mr. Smith or Mr. Jones or Senator STEWART, whatever was done to secure the money was perfectly legal. But the contract under which the individual may have undertaken to perform the duties might at the same time be absolutely void for want of proper authority in the legislature that adopted it.

Mr. STEWART. Does the Senator maintain that the Choctaw Nation is in a position to say that the contract appointing commissioners to make deeds and to secure assistants and appointing them, and under which they got the money, is unconstitutional? What the Senator read of that opinion is simply that they could not abrogate former contracts, that that would be unconstitutional. It can not be that the whole act is unconstitutional, for it seems that they have acted upon it and recognized it as a constitutional act, and I think the Choctaw Nation is estopped from saying it is unconstitutional.

Mr. PATTERSON. I have stated it a number of times, and it is unnecessary for me to go over it again. The only purpose I had was to make clear the order of certain things in connection with this transaction. I understand when a court or a proper authority declares an act to be void it is void unless the decision is reversed by some competent tribunal. A court may declare an act to be void in part and legal in part, but when the reviewing court, whether it commits an error or not, declares the act to be void and that stands, it is res adjudicata, and the act is void.

Mr. STEWART. What court declared it unconstitutional? No court. It is a mere opinion.

Mr. PATTERSON. I said to the Senator from Nevada that it

was the attorney-general who, according to the letter of the Commissioner of Indian Affairs, was the properly constituted authority—

Mr. STEWART. How did he know?

Mr. PATTERSON. Oh, well, I do not know. But he was the properly constituted authority under the constitution of the Choctaw Nation, whatever it was, to pass upon the constitutionality of the law. I suppose the attorney-general was the court for that purpose.

Mr. STEWART. I never heard of it in any other case.

Mr. PATTERSON. But there are a lot of things you have not heard of, Senator.

Mr. STEWART. I have never heard of it in any civilized country.

Mr. PATTERSON. Perhaps not.

Mr. STEWART. Perhaps they are uncivilized, and that some outsider has a right to say how their laws shall be interpreted.

Mr. McCUMBER. I should like to ask the Senator from Colorado if he considers the dictum of an attorney in any case as res adjudicata, when it has not been tried by a court?

Mr. PATTERSON. As I understand it, these Indians have a government of their own, they have courts of their own, they have legislatures of their own, they have laws of their own.

Mr. McCUMBER. And courts.

Mr. PATTERSON. I said courts. They are all acting, as I understand it, under constitutions which they have adopted and which are satisfactory to themselves. They are independent nations for many purposes.

Mr. McCUMBER. Has any court held this act to be unconstitutional? I am asking the question for information.

Mr. PATTERSON. I have stated a number of times that the Commissioner of Indian Affairs in his communication states that this man was the properly constituted authority to pass upon the constitutionality of that act.

Mr. McCUMBER. To determine—

Mr. PATTERSON. I would have to go to all the laws and to the constitution of the Choctaw Nation before I could answer the question of the Senator.

Mr. McCUMBER. The Senator does not think the Commissioner intended to mean by that language that the decision of that officer, this attorney-general, would constitute the judgment of a court?

Mr. PATTERSON. I mean to say this: If our Constitution provided that the attorney-general of a State or of the United States should have authority and power to pass upon the constitutionality of laws, whenever that officer did declare a law constitutional or unconstitutional, it would be so. But we do not confer that power upon our attorneys-general.

Mr. McCUMBER. Nor does the nation, either.

Mr. PATTERSON. I do not know, beyond what the Commissioner of Indian Affairs says in his letter. I have to put that against the dictum of the Senator from South Dakota.

Mr. SPOONER. I wish to ask the Senator a question for information, because I have not read the papers, and that is whether the attorney-general held the act void as a whole? I understand the act covers several subjects.

Mr. PATTERSON. No.

Mr. CLAY. Did he hold an act of Congress to be unconstitutional?

Mr. PATTERSON. Oh, no; an act of the Choctaw legislature.

I will say for the information of the Senator that the Choctaw legislature in 1889 passed an act under which, I think, three persons were employed to prepare this claim, to bring it to Congress, and to do all necessary service in securing the enactment of the law, and, I suppose, in connection with the collection of the money. Under the employment thus authorized by the Choctaw legislature they prepared the claim, came on to Washington, and gave all the necessary attention to it until it was passed by Congress and became a law.

Then President Harrison, for some reason, refused to pay it, and before the money was collected the Choctaw legislature enacted another law by which they declared all agreements made with the first commission or the first agents as null and void, and authorized the employment of another agent. It was under the second act that Mr. Sypher was employed, and it was that act which the attorney-general of the Choctaw Nation declared unconstitutional for a number of reasons, which are given in his opinion. One of the reasons he gives is that it impaired the validity of a contract, which is prohibited by the Constitution of the United States, in that it attempted to set aside the original contract under which the law was passed by Congress.

Mr. SPOONER. If the Senator will permit me, that looks like an absurdity on its face.

Mr. PATTERSON. I am not undertaking to stand for the attorney-general. He is an Indian, I suppose. I do not know.

Mr. SPOONER. The idea of holding an act of the legislature of the Choctaw Nation void, under the Constitution of the United States, because it impairs the obligation of a contract is a new proposition.

Mr. PATTERSON. That is because you have not read this opinion.

Mr. SPOONER. My recollection is that that prohibition of the Constitution is applicable only to the States.

Mr. PATTERSON. If it does not occupy too much of the time of the Senate, I will read the entire opinion. It is only a page.

Mr. STEWART. Read it.

Mr. PATTERSON. I myself have never read it all.

Mr. STEWART. Read it.

Mr. PATTERSON. This is from the Indian Citizen, of Atoka, Ind. T., November 7, 1891. It is headed "Constitutionality of a law."

Below will be found an official opinion of the national attorney of the Choctaw Nation on an act recently passed by the general council.

The act in question was published in these columns week before last and proposed to cancel the contracts of the attorneys of the nation made with the "leased district delegation," and authorizes the governor, treasurer, and special delegate to go to Washington and make a formal demand for the money, and also authorizes them to make other arrangements, without regard to cost, to get the money by the 1st of December.

The national auditor called upon the national attorney for his opinion as to the constitutionality of this action, and in accordance with the law requiring the national attorney to give his opinion in writing to the national auditor upon all cases concerning the revenue expenses of the nation, the following opinion was elicited:

OFFICE OF NATIONAL ATTORNEY CHOCTAW NATION,

Antlers, Ind. T., October 30, 1891.

HON. WILLIAM WILSON,
National Auditor, Choctaw Nation.

DEAR SIR: Answering your letter of the 28th instant, returning the same with copies of the laws inclosed, I have the honor to answer your questions concerning the law in their order.

(1) The law relating to the appropriation of \$2,991,450, passed by the general council on October 19, 1891, and approved by J. H. Bryant, acting principal chief Choctaw Nation, is not constitutional, but defective in various particulars.

That is the law in controversy.

(1) Article 3, section 8, constitution, requires every bill which shall have passed both houses of the legislature to be presented to the principal chief. The failure to do so because of the temporary absence of the chief for two or three days, or for any other cause not provided in the constitution or laws, makes it unconstitutional.

(2) The president of the senate is authorized to exercise the duties of the principal chief (article 5, section 4, constitution) only when a vacancy occurs "on account of the inability of the principal chief to discharge his duties."

In this case, however, there was no vacancy whatever in the office of principal chief, who was perfectly sound and well, was in the Choctaw Nation at his home, and immediately returned to the capital. Nor was there any legal disability.

Such temporary absence is not "inability" in the eyes of the law.

Such a construction would be highly mischievous, as the president of the senate could at his will deprive the principal chief of all authority unless the chief should be immediately and personally present at every instant when a bill should pass.

The president of the senate has no such authority, and the principal chief has no right to delegate such authority.

The Choctaw people elected the Hon. W. N. Jones principal chief, and he can not, except as expressly provided by the constitution, be divested or divest himself of his rights or his responsibilities.

The law referred to is unconstitutional in this respect, that it is signed by Hon. J. H. Bryant as acting principal chief of the Choctaw Nation, and not signed by Hon. W. N. Jones, principal chief of the Choctaw Nation.

(3) Again, the signature of the Hon. J. H. Bryant as acting principal chief is not authorized by the Choctaw laws, but if the principal chief's office had been vacant, the person authorized by law is the "president of the senate," and this alleged act is not so signed, but on its face it clearly appears that D. W. Hodges at this very time was president of the senate.

(4) The constitution of the Choctaw Nation, section 23, article 7, declares that any law "passed contrary to the provisions herein specified shall be null and void," and section 21, article 1, declares "the general council shall pass no bill of attainder, retrospective law, nor law impairing the obligation of contracts."

That is the Choctaw constitution.

Mr. SPOONER. That is their constitution?

Mr. PATTERSON. Yes, sir; their constitution. He says:

The act under consideration proposes to impair the obligation of contracts in section 1 in express terms.

This is clearly and positively unconstitutional and void.

All laws of the Choctaw Nation (art. 7, treaty of 1855 between the United States and the Choctaw Nation) must be compatible with the Constitution of the United States and the laws made in pursuance thereof.

The law under consideration violates the Constitution of the United States in that it impairs the obligation of a contract, and is therefore void under the treaty as stated, especially so as the contracts were made with United States citizens.

It is to be observed in regard to the alleged act of October 19, 1891, that it proposed to create a new delegation.

It would be obnoxious to article 7, section 13, of the constitution, which expressly requires that delegates or commissioners to transact such public business shall be nominated by the principal chief and confirmed by the senate, which has not been done, except in case of the special delegate and the delegation of 1889.

If it should be held that the alleged law of October 19 repeals the laws of April 9, then there is a special delegate; but it is evident that this construction would be obnoxious to the plain meaning of the general council.

Article 3, section 1, declares that the style of the law shall be, "Be it enacted by the general council of the Choctaw Nation assembled," which is not observed in the act of October 19, 1891.

This is a constitutional requirement, and any law (sec. 23, art. 7) which is passed contrary to such provisions is null and void.

He then says:

The laws of April 9, 1891, however, could not be repealed by the act of October, 19, 1891, because the latter is void, as above stated.

C. E. NELSON,
National Attorney, Choctaw Nation.

I do certify that the above is a true and correct copy of the original now on file in my office (October 31, 1891).

W. M. WILSON,
National Auditor, Choctaw Nation.

Mr. President, if the original contract were extortionate, requiring all the services to be rendered for 25 per cent, when the claim was chaotic, as it were, when it was a matter of grave doubt whether the legality of such a claim could be established to the satisfaction of Congress, it seems to me that 10 per cent simply to remain in Washington and take the necessary steps to secure the payment of money that already had been appropriated might well come under that head, especially for so large a sum. I imagine it did not require the services of a very eminent lawyer.

But that is neither here nor there. I am not in the habit of depreciating the fees of attorneys, but it seems to me that when it is held in mind that Mr. Sypher proceeded under his employment to do services that ought to have been performed by others, who would doubtless have performed them had it not been for the enactment of this unconstitutional law, he knowing that he was running along grooves where if the law was constitutional by which he was appointed it would deprive those who had performed the main service of all compensation, it becomes quite questionable.

But if there is anything at all, Mr. President, in this claim, it is on the quantum meruit, and it strikes me that \$50,000 for eighteen or twenty months' services is just simply out of all proportion. There is one thing certain. The committee in estimating the compensation did not determine what the value of the service was by basing it upon the value of the services of a Senator of the United States.

Mr. OVERMAN. May I ask the Senator a question?

Mr. PATTERSON. Certainly.

Mr. OVERMAN. What service could Mr. Sypher perform as a lawyer, the money having been appropriated?

Mr. PATTERSON. He went into no court; he had nothing to do with Congress. What he had to do, if anything, was to make representations to the President who succeeded President Harrison that he ought to pay the claim, and if papers were to be drawn, then he had to give whatever time and attention were necessary, I suppose, for the preparation of the papers.

Mr. OVERMAN. Were any papers drawn?

Mr. PATTERSON. I suppose there were, from what some of the Senators say.

Mr. McCUMBER. Does the Senator not consider that it was the work of an attorney to prepare the papers and secure the execution and delivery of such deeds as would be accepted by the Government of the United States? Is not that regular legal work and work that people would usually employ an attorney for and not a layman?

Mr. PATTERSON. The Senator from Virginia [Mr. MARTIN] makes a very proper suggestion, and that is that the Department itself is supposed to have very competent men for the preparation of papers of that kind. It has a number of solicitors and attorneys.

Mr. FULTON. Let me ask the Senator from Colorado a question. This man did do some work?

Mr. PATTERSON. Oh, I think there is no doubt in the world about that.

Mr. FULTON. Because the contract is void, inasmuch as the act under which it was made is unconstitutional, does that constitute a good reason why Mr. Sypher should not be paid a reasonable compensation?

Mr. PATTERSON. I think that is true. I think every man should be paid—

Mr. FULTON. It seems to me the only question is to determine what is a reasonable compensation.

Mr. PATTERSON. If it was the United States against whom this claim was presented I should without hesitation insist that the man should receive reasonable compensation, although there were legal obstacles in the way of its payment. But it does seem to me, Mr. President, that this is a pretty questionable practice. We are the trustees for the Choctaw Nation. It is as though the Senator had a deposit in a bank and an alleged creditor of the Senator should go to the bank and say to the bank, "I want you arbitrarily to pay out of the deposit of your customer a claim that I present, because I can satisfy you it is just."

Mr. FULTON. I agree with the Senator that we ought to be very careful about it, but the committee has inquired into it and has become satisfied that this amount is reasonable, and yet I confess that I am not satisfied that it is reasonable. If the Senator will move to amend by providing a different compensation, it would please me better.

Mr. PATTERSON. The Senator from Virginia [Mr. MARTIN] suggests that I offer an amendment, which I do, to strike out the word "fifty" and insert "fifteen," making it read "\$15,000."

Mr. SPOONER. Mr. President, I do not intend to take more than three or five minutes of the time of the Senate. If this were a claim against the United States, I suppose there is no doubt that on the report of the committee it would pass, but the relation of the United States to this matter is a peculiar one. As the Senator from Colorado [Mr. PATTERSON] has just said, and as I suggested when I had the floor before, this is not our money which it is proposed we shall appropriate by this bill. We hold it in trust for the Choctaw Nation. We have the power to pass it and to take this money out of their fund, which is a trust fund, and pay it over to General Sypher, and we have the power, if the Choctaw Nation make a future claim against the United States, as suggested by the Senator from Iowa, that the money shall be refunded to them for breach of trust by the United States, to refuse to recognize it.

There is no relation in the world more sacred, and it always has been so and always must be so, than that of a trustee. In the case of no private trustee in the world could such a contract, or any questionable contract, be enforced against the trust estate without the cestui que trust having their day in court and without the claimant being forced to prove his case in court.

One reason why we should be peculiarly careful in appropriating the funds which we hold in trust for the Choctaw Nation is our power to do what we please, the mere matter of power, with their funds. That is why this Government should be peculiarly careful. I do not like to vote this \$50,000 out of their fund on the presentation of the merits both as to the amount due and in other respects thus far made in this case, with the accredited agent of the Choctaw Nation contending here that they desire further hearings.

Mr. STEWART. No.

Mr. SPOONER. He does. He sent a card to me a few minutes ago. I declined to go out and asked him to communicate to me in writing—I never saw him until an hour ago—what he had to say, and he says, among other things, here:

We further will show by a copy of a judgment in the case of George Thibau, who is mentioned in General Sypher's case, that after a full and complete hearing before a United States court and lasting more than a week the jury returned a verdict in favor of the nation, and many other matters.

I do not know what the Thibau case is, but I know this, Mr. President, that in the administration of a trust the trustee, clothed with the power of sovereignty, ought not summarily to dispose of the interest of the cestui que trust. It is in violation of the plainest principles which control the administration of trusts.

As I said before, and I repeat it, the power is in Congress to refer by a mere resolution or by a resolution of the Senate a contested claim like this, when it becomes the duty of the Court of Claims to find the facts and report them to Congress, thereby opening the door to the Choctaw Nation to a full opportunity to present their case and their objections. That is what would be right between man and man, and that is what is right, Mr. President, between this great sovereign trustee and this Indian nation.

Mr. MITCHELL. If the Senator will allow me, I desire to ask him a question.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. SPOONER. Certainly.

Mr. MITCHELL. I wish to ask the Senator from Wisconsin whether his investigations have led him to any conclusion as to whether the arrangement between General Sypher and the Indians was of such a character that there is an obligation upon their part to keep their contract with him?

Mr. SPOONER. I know absolutely nothing about this matter except what has been uttered in the Senate Chamber, and from what has been uttered in the Senate Chamber I have no hesitation in saying that, regardless of the validity of the act under which the employment was made and this service was rendered, and I do not doubt that the service was rendered, General Sypher would be entitled to recover a quantum meruit.

Mr. MITCHELL. Now, one other question. These Indians are the wards of the nation, and it is the duty of Congress to protect their interests. These funds are trust funds, and, of course, should be guarded with the greatest of care. But is there not also an obligation on the part of Congress to see to it that any legal contracts these wards make shall be obeyed, and is there any power anywhere to compel them to meet that obligation unless Congress, representing the Government, whose wards the Indians are, should compel them to do it? And is it not as much a duty upon the part of Congress to see to it that any valid contract the Indians make shall be kept by them, even if it leads to an appropriation of the trust funds to the extent of whatever amount is reasonable to pay General Sypher?

Mr. SPOONER. Unquestionably. The Senator can have no controversy with me on that point.

Mr. MITCHELL. I thought not.

Mr. QUARLES. If my colleague will permit me, in the line of the query of the Senator from Oregon I will state that there is no contract here which under the law is entitled to recognition as such.

Mr. MITCHELL. I know nothing about that.

Mr. QUARLES. The law prescribes that any contract made by an attorney with an Indian tribe shall be void unless it is filed with the Secretary of the Interior and approved by him. Now, we are asked as a trustee here to waive that proposition. That is the situation from a legal standpoint.

Mr. SPOONER. I may be wrong about it, but I am not absolutely certain that the contract was one of those contracts which require the approval of the Department. It may be; but in any event, I think if General Sypher performed the service (and that he performed service, and able and faithful service, I have no question), where a claim is so indefinite, or rather where the conclusion upon it is so indefinite as this debate has shown this claim to be, even among the members of the committee, the wise course to be pursued is to refer it to the Court of Claims, in order that there both sides may be heard on the facts. When the case comes back from the court it will, of course, be advisory; but then it will be for us, as the Senator from Oregon suggests, if we are satisfied it is just, to compel them by our appropriation out of their fund to pay what they owe.

Mr. PLATT of Connecticut. May I interrupt the Senator from Wisconsin?

Mr. SPOONER. Certainly.

Mr. PLATT of Connecticut. The same thing which the Senator has been suggesting suggested itself to me, and this question arose in my mind, whether under our statutes we could refer to the Court of Claims to find the facts in a case which was not a claim against the United States.

Mr. SPOONER. It is a claim against the United States as a trustee, and if the state of the statute law is such as to preclude the Congress from referring a claim against a trust fund to a tribunal for ascertainment of the facts and an advisory report, that law ought to be amended, because it is peculiarly important that, as to that class of cases, the Congress should have the benefit of information elicited by a tribunal in which both sides have an opportunity at least to be heard.

Mr. McCUMBER. Mr. President, before voting either upon this amendment or upon the original proposition, I wish to direct a question to the Senator from California [Mr. BARD] who was chairman of the subcommittee. As every Senator understands, a committee must rely in such a case upon the report of its subcommittee. The subcommittee of which the Senator was chairman reported to the full committee, I understand.

Mr. BARD. It made no report.

Mr. McCUMBER. Then, if they made no report, there was nothing before the committee to bring up the question as to whether this Indian tribe had a legal or proper notice. If the Senator investigating the subject itself has come to the conclusion that this matter was not properly presented to the committee, that there is further evidence which ought to be considered, then I should be in favor of not considering the question at this time.

If the Senator, acting in the capacity of chairman of that committee, came to the conclusion that he had before him a written agreement, and knowing what character of evidence was necessary to change the terms of a written agreement, concluded that the evidence which was proposed could not be considered as relevant in the face of a written instrument, then he had a right and the committee had a right to absolutely disregard it.

In all of this argument before us to-day and in all the letters that are being sent in here there is not a syllable or a word to show what character of evidence they propose to introduce.

We have very clearly a written instrument—an instrument of employment. You can not change that instrument except by showing that it has been abrogated in some way or by showing that it was illegal from the beginning. It requires certain evidence to show either its abrogation or that it has been satisfied. No one proposes to furnish such evidence that I know of. Nobody has proposed it to the subcommittee that I am aware of. No one has proposed it, I know, to the general committee, because it was not mentioned.

But if the subcommittee having it in charge have reason to believe—and I got that opinion from the Senator from California—that legal and proper evidence could be produced which would modify or affect this contract in any way, then I should say that it would be the duty of the Senate to await action on this matter until they received that evidence; and if that is true, I should be in favor of not considering the question at this time.

I believe the Senator from Colorado can inform us upon this point, and I believe the Senate would be glad to know whether there is any legal evidence he knows of, or that has been suggested to him, that will bear upon this case and which could be

considered in taking the whole matter of its merits into consideration.

Mr. QUARLES. It seems to me that the Senator from North Dakota has made out a prima facie case by his statement just made, namely, that the committee confided this matter to a subcommittee, which subcommittee had not reported to the main committee.

Mr. McCUMBER. It never came before the committee without some report.

Mr. LODGE. I desire to ask the Senator, if it was never reported on by the subcommittee, how it got into the bill?

Mr. QUARLES. That is the point I was going to make.

Mr. McCUMBER. I assume, of course, that there was an oral report. It came into the bill by the subcommittee reporting on it; and I understood that the subcommittee did make an oral report or made a statement concerning it, and that the action of the committee was based upon the statement of the case made by the subcommittee. If I am in error the Senator from California can correct me.

Mr. BARD. I will make this statement, Mr. President, that it is true the subcommittee never made a formal report on this matter, which had been submitted to it for consideration, but on the 19th instant, or I think it was last Friday, when the full committee held its meeting, the question was brought up, not upon a report by the subcommittee, and I regarded that action as taking out of the subcommittee all further authority to deal with the subject.

I should like to say, in answer to the suggestion which has been made, that I am fully convinced, after having given the matter a good deal of consideration, that this is a valid claim against the Choctaw Nation. I believe that it is good, and that it is good for the whole amount, 10 per cent, under the contract. I can not conceive of any documentary or other evidence that may be introduced here to alter my opinion in regard to this claim.

Mr. McCUMBER. May I ask the Senator a question right here? Was any character of evidence suggested to you which to your mind would have been evidence that could be legally considered as altering or varying the terms of the contract?

Mr. BARD. I do not remember that there was any statement made to me as to the character of the evidence which was proposed to be introduced.

Mr. LODGE. May I ask the Senator a question for information merely? I should like to know if the Choctaws were heard, by their agent or counsel or in any way, in regard to this claim.

Mr. BARD. No; he was present at the meeting of the full committee. He had been notified nearly a month ago of our intention to take up the matter for consideration, and he was invited to be present at the hearings.

Mr. LODGE. The agent of the Choctaws?

Mr. BARD. Yes, sir; the attorney.

Mr. PLATT of Connecticut. With General Sypher. They were both before the full committee.

Mr. BARD. They were before the full committee.

Mr. LODGE. Was the agent opposed to this payment?

Mr. BARD. Yes; he made objection to it, but only in a general way, as I remember.

Mr. LODGE. Did he have an opportunity to submit any testimony or writing?

Mr. BARD. No.

Mr. McCUMBER. If the Senator will allow me, I can answer the question of the Senator from Massachusetts. He made his objection entirely on the ground that this act had been declared unconstitutional, and therefore the Choctaw Nation was not responsible for it. He did not at that time claim that he wanted any further time, that his nation desired any further hearing in the matter, but he stood entirely upon that proposition. Now, if he made this claim to any subcommittee, it is without my knowledge. He certainly did not in presenting the matter to the committee.

Mr. LODGE. He did not ask for time to present any evidence?

Mr. McCUMBER. Not at all. Not a word was said about it. He did not ask for a minute's time.

Mr. BARD. I should like to state that I think the Senator is in error. I think the attorney at that time mentioned that he had telegraphed for some documents. I think that statement is corroborated by some members of the committee who were present.

Mr. QUARLES. He had not received the documents?

Mr. BARD. He had not received them.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. PATTERSON] to the amendment of the committee.

Mr. PATTERSON. I ask leave to withdraw the amendment and to substitute another for it; that is, to withdraw the word "fifteen" and substitute "twenty-five."

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment, which will be stated.

The SECRETARY. On page 53, line 12, before the word "thousand," strike out "fifty" and insert "twenty-five."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Colorado to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended. [Putting the question.] By the sound the "noes" have it.

Mr. STEWART and Mr. TELLER called for the yeas and nays; and they were ordered.

Mr. CULBERSON. Let the amendment be read.

The PRESIDENT pro tempore. The amendment will be read as amended.

The Secretary read as follows:

For payment to J. Hale Sypher, to be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, \$25,000, which said sum the Secretary of the Treasury is hereby authorized and directed to pay immediately to J. Hale Sypher upon execution by him of a receipt in full of all claims against the Choctaw Nation for his services and expenses as the attorney of said nation under contract entered into on the 7th day of November, A. D. 1891, between said J. Hale Sypher and the said Choctaw Nation.

The Secretary proceeded to call the roll.

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. MALLORY]. If he were present, I should vote "nay."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP].

The roll call was concluded.

Mr. BEVERIDGE. I have a general pair with the senior Senator from Montana [Mr. CLARK]. I transfer that pair to the senior Senator from Kansas [Mr. BURTON]. and vote "yea."

Mr. HOAR (after having voted in the negative). I desire to withdraw my vote. I am paired with the Senator from Alabama [Mr. PETTUS].

Mr. QUAY. I desire to state that I have a general pair with the Senator from Alabama [Mr. MORGAN], who is necessarily absent from the Chamber, but as he and I agree generally about the features of this bill I take the liberty of voting. I vote "yea."

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. He is detained by illness. I withhold my vote.

Mr. WARREN. I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I will ask if that Senator has voted?

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair is informed that he has not voted.

Mr. WARREN. Then I withhold my vote, as I am paired with that Senator.

The result was announced—yeas 23, nays 25, as follows:

YEAS—23.

Allee,	Fairbanks,	Kittredge,	Platt, Conn.
Ankeny,	Foraker,	McCumber,	Quay,
Bard,	Fulton,	Millard,	Stewart,
Beveridge,	Hansbrough,	Mitchell,	Stone,
Cullom,	Hopkins,	Newlands,	Teller.
Dubois,	Kearns,	Penrose,	

NAYS—25.

Allison,	Clay,	Lodge,	Patterson,
Bacon,	Culbertson,	Long,	Perkins,
Ball,	Foster, Wash.	McCreary,	Quarles,
Blackburn,	Gallinger,	McLaurin,	Spooner.
Burnham,	Gamble,	Martin,	
Carmack,	Kean,	Nelson,	
Clarke, Ark.	Latimer,	Overman,	

NOT VOTING—42.

Aldrich,	Daniel,	Gorman,	Platt, N. Y.
Alger,	Depew,	Hale,	Proctor,
Bailey,	Dick,	Hawley,	Scott,
Bate,	Dietrich,	Heyburn,	Simmons,
Berry,	Dillingham,	Hoar,	Smoot,
Burrows,	Dolliver,	McComas,	Taliaferro,
Burton,	Dryden,	McEnery,	Tillman,
Clapp,	Elkins,	Mallory,	Warren,
Clark, Mont.	Foster, La.	Money,	Wetmore.
Clark, Wyo.	Frye,	Morgan,	
Cockrell,	Gibson,	Pettus,	

So the amendment as amended was rejected.

PAYMENTS TO DELAWARE INDIANS.

Mr. QUAY. Mr. President, I now ask unanimous consent of the Senate to take up a resolution which is lying on the table. It came up this morning, and was laid on the table subject to my call. I ask that it may be laid before the Senate and passed.

The PRESIDING OFFICER. The Senator from Pennsylvania asks for the present consideration of a resolution, which will be read.

The Secretary read the resolution yesterday submitted by Mr. QUAY, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish forthwith to the Senate a statement showing the difference in value between coin and currency on payments made by the United States to the Delaware Indians, from and including the year 1882 to and including the year 1878; said payments being set forth in the report of the subcommittee of the Senate on Indian Affairs, dated March 29, 1902.

The resolution was agreed to.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, in section 14, after line 5 on page 94, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Frank A. A. Robertson, Edmond Cheney Robertson, Ella F. Robertson, Samuel J. Brown, Joseph R. Brown, Augusta Brown, Jennie Brown, Susan F. Brown, Thomas A. Robertson, Ida Robertson, Nancy Tawaquin, members of the Sisseton and Wahpeton band of Sioux Indians, for lands heretofore allotted to them in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

That the Secretary of the Interior be, and he is hereby, authorized and directed to approve a deed dated June 9, 1903, from Joseph C. Melot, citizen Pottawatomie allottee No. 489, and Eliza Melot, his wife, conveying to Louisa Melot (his divorced wife) the southwest quarter of the southeast quarter of section 21, and the north half of the northeast quarter of section 28, in township 6 north, range 2 east of the Indian meridian, in conformity with the order and decree of the judge of the district court for Pottawatomie County, Okla., at the regular April term, 1898, which decree was rendered in the divorce case of Joseph C. Melot against Louisa Melot, decreeing said land to the said Louisa Melot as alimony.

That Mark Burns, Chippewa allottee No. 17 (census of 1889), to whom a trust patent has been issued containing restrictions upon alienation, may sell and convey from his allotment to the village of Cass Lake, county of Cass, State of Minnesota, the certain 10 acres described as follows: Commencing 80 rods north from the quarter post on the section line between sections 9 and 16, running thence north 40 rods, thence east 40 rods, thence south 40 rods, thence west 40 rods to the place of beginning, being 10 acres located in the southwest corner of the northwest quarter of the southeast quarter of section 9, township 145 north, range 31 west, on the Chippewa Reservation, Minn., but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee, severally, to Bert Dietrich, George A. Dietrich, Willie Pearl Dietrich, Clarence A. Dietrich, Ruby G. Dietrich, Thomas M. Dietrich, Charles Roache, Octaviana Roache, Sataro Roache, Brigida Roache, Sahropone or Sarapio Roache, Homy or Mary Roache, Pastrico Roache, Candelario Roache, Nicholas Roache, Kit Carson Farwell, Pearl Farwell, and Num mah che or Gertrude Farwell, members of the Kiowa, Comanche, and Apache tribes of Indians, for the lands heretofore allotted to them, respectively, in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said land are hereby removed.

Mr. QUARLES. I desire to offer an amendment to the amendment of the committee right at that point.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. On page 96, after line 9, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent in fee, severally, to Lotsee Dietrich, Pokin Roache, George Chandler, Allottee No. 203, and Louisa B. Farwell, members of the Kiowa, Comanche, and Apache tribes of Indians, for the lands heretofore allotted to them, respectively, in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

Mr. STEWART. There is no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, in section 14, on page 96, after line 9, to insert:

That the allottees of lands bordering upon Spring River or Grand River, in the Indian Territory, may each alienate, subject to the approval of the Secretary of the Interior, not to exceed 10 acres of land for waterworks or waterpower purposes. Any land so alienated not to be taken from the homestead of any member of the Cherokee tribe.

That the following named allottees of lands situated in the Quapaw Agency, Ind. T., are authorized to alienate certain portions of their allotments therein, described as follows, namely: Fred Long, the south half of the southeast quarter of the northwest quarter of section 23, 20 acres; John Faber, the east half of the southeast quarter of the southwest quarter of section 28, 20 acres; the heirs of George Bearskin, deceased, the northeast quarter of the southwest quarter of section 22, 40 acres; Annie Daugherty, the northeast quarter of the southeast quarter of section 12, 40 acres; and James Boona, lot numbered 1 in section 3; all in township 27 north, of range 24 east.

The amendment was agreed to.

Mr. DUBOIS. Mr. President, the amendment I am about to offer is a committee amendment sent down on the recommendation of the Secretary of the Interior. I will explain briefly that in the making of allotments of land there were allotments made to two sons of an Indian, one an infant son, who has since died. The land would revert to the father, but the father wants the surviving son to have his portion of the land which was formerly allotted to the son who died.

Mr. STEWART. There is no objection to that amendment.

Mr. SPOONER. I should like to make an inquiry of the chairman of the Committee on Indian Affairs. I notice a great many provisions in the bill for the removal of the restriction of the right of alienation of Indian lands. Are those all recommended by the Secretary of the Interior?

Mr. STEWART. Nearly all of them have been recommended by the Interior Department. We have struck out some such provisions from the House bill, and we have put in a good many, with a view of ascertaining if the Department could suggest some rule, or if we can invent some rule, whereby this removal of restrictions may be made without coming to Congress in each individual case, so that it may all be done without mentioning names. We have put these others in the bill so that it will all be in the hands of the conferees. We took the liberty of doing this in the hope that we may be able to agree upon some general plan; though I do not believe we can. I have pretty much given it up.

Mr. SPOONER. Is it proposed to pretty generally remove these restrictions?

Mr. STEWART. No; that is the trouble. We are afraid it would become too general.

Mr. SPOONER. Of course this is a very important thing for the Indians, and especially for their families. Unless these restrictions of alienation are removed no matter how drunk an Indian may get, he can not be despoiled of his land while he is non compos. If we once begin to remove these restrictions, I do not know where we are going to end.

Mr. STEWART. A good many of these are white men who have been doing business, and some of them are bankrupt.

Mr. SPOONER. How did those white men get to be allottees—by fraud?

Mr. STEWART. I do not know whether it is by fraud or not. Their allotments were obtained under the laws of the nation. They are adopted citizens of the tribe, and in that way they got to be allottees.

Mr. DUBOIS. I will ask that the amendment which I proposed shall come in after the end of line 3 on page 97.

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. In section 14, after line 3, on page 97, it is proposed to insert:

That the Secretary of the Interior is authorized and directed to permit an exchange of lands in Oklahoma Territory now included in Kiowa allotment No. 310 for certain other lands in same Territory now included in Kiowa allotment No. 312, and to issue new allotment patents to the allottees interested carrying the exchanges into effect.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, in section [22] 15, on page 97, line 22, after the word "of," to strike out:

June 30, 1902: *Provided*, That no compensation shall be paid to or received by any deputy clerk in excess of \$1,200 per annum.

And insert:

March 3, 1901 (31 Stat., p. 1073).

So as to make the proviso read:

Provided, That the chief deputy clerks located at South McAlester, Muscogee, Vinita, and Ardmore, respectively, as well as all other extra clerk hire and office expenses, shall be paid by the clerks of the respective United States courts of the Indian Territory from the emoluments of their respective offices, as provided by the act of March 3, 1901 (31 Stat., p. 1073).

The PRESIDING OFFICER. The amendment will be considered as agreed to in the absence of objection.

Mr. ALLISON. I call the attention of the Senator in charge of the bill to the fact that he has stricken out of it the limitation on the compensation of deputy clerks. He has not only changed the date of the act, but he has stricken out the following proviso:

Provided, That no compensation shall be paid to or received by any deputy clerk in excess of \$1,200 per annum.

That leaves the whole matter open to somebody to pay an indefinite sum. The language of the proviso as it originally stood contains a restriction, as it seems to me, which is rather a whole-some one, and one which, as suggested by the Senator from Wisconsin [Mr. SPOONER], appears frequently in our statutes.

The PRESIDING OFFICER. Does the Senator from Iowa move to restore the proviso which has been stricken out?

Mr. ALLISON. I will make that motion, so that we may hear any explanation which can be given for the proviso being stricken out.

Mr. STEWART. The explanation is found in a communication received in answer to a letter in regard to the compensation of clerks, which was written by the Senator from Illinois [Mr. HOPKINS], who, I understand, takes some interest in the matter.

Mr. HOPKINS. Yes.

Mr. STEWART. The letter had better be read, and I send it to the desk for that purpose.

The PRESIDING OFFICER. The letter referred to by the Senator from Nevada will be read.

The Secretary read as follows:

WASHINGTON, D. C., March 9, 1904.

Hon. WILLIAM M. STEWART,

Chairman Committee on Indian Affairs, United States Senate.

SIR: There is an item on the Indian appropriation bill now pending before your committee which affects the office of the United States clerks in Indian Territory, which I desire to call to your attention.

Congress in 1895 passed an act reorganizing the courts in the Indian Territory, and in that act provided for the appointment by the clerk of a deputy clerk, to be stationed at each place of holding court in the respective districts, and fixed the salaries of the deputy clerks at \$1,200 per annum as deputy clerks, and provided that these salaries should be paid by the disbursing clerk of the Department of Justice. Then, on the 19th day of February, 1903, Congress passed another act, creating what is known as "recording districts," establishing one at each place of holding court, and designating the deputy clerks as ex officio recorders. Then, in order to enable them to do the recording under the act of February 19, 1903, they were allowed to retain out of the fees for recording the sum of \$1,800 each per annum.

This additional compensation was allowed so as to enable them to employ competent assistants in the recording office. Before the passage of this last act referred to there was no provision for recording deeds or instruments in writing in the Indian Territory, and since the passage of this act providing for the recording of instruments the work in the recorder's office has been very great, and it would be simply impossible for the deputy clerk to perform his duties as deputy clerk and then attend to the recording also without the proper additional help. So this allowance was given him.

Now, it will be understood that their additional compensation in acting as ex officio recorders is to be taken from the earnings of the recording fees, and all over and above the sum allowed to be retained under the law is turned into the Treasury of the United States. So that if any one of these recorders should not earn the designated amount to be retained, he would not get it. In other words, should they earn as ex officio recorders only \$100 per annum they would receive only that amount; but should they earn over \$1,800 per annum the excess under the law goes to the United States Treasury.

Now, in the bill now pending before your committee, on page 59, line 4, it is provided: "That no compensation shall be paid to or received by any deputy clerk in excess of \$1,200 per annum."

This provision just referred to was placed on the bill as a House amendment and was not on the bill when it came from the House committee; and I submit that for the good of the service in the recording of deeds, leases, and other instruments of writing in the Indian Territory it should be stricken out, and that the item be left as it originally came from the House committee.

There is one other item to which I desire to call your attention in this amendment, and that is this: At present, and under the existing law, the chief deputy clerks of the respective districts are allowed a salary of \$2,500 per annum, which has always been paid from the emoluments of the office and accounted for to the Attorney-General. And this amendment would, in my judgment, if allowed to stand, include the chief deputy clerks.

This, I know, was not intended to be done by the gentleman who offered the amendment. As will be seen by reference to the CONGRESSIONAL RECORD of March 5, page 3009, commencing at the head of said page, in which the gentleman offering this amendment stated that it would not include the chief deputy. But I very much fear from the language of this amendment it would include him, or that it would be so construed by the Department, and I feel sure it was never intended to do so.

I submit this explanation in justice to the deputy clerks, as I believe the adoption of this amendment would work a great wrong to the service. I am myself the clerk of the southern district of the Indian Territory, and am perfectly familiar with the matters of which I speak.

Trusting that this amendment will be stricken out or the corrections made to which I refer, I am,

Very respectfully,

C. M. CAMPBELL,

Clerk United States Court Southern District of the Indian Territory.

Mr. ALLISON. I think the chief deputies would be cut down to \$1,200 by this provision. My attention was called to it by the provision above, which reads:

That hereafter the salaries of the deputy clerks in the Indian Territory appointed under the act of March 1, 1895 (28 Stat., p. 695), and acts amendatory thereto, be paid by the disbursing clerk for the Department of Justice at the rate of \$1,200 per annum, as fixed by said act, in the same manner as the salaries of the clerks of the several United States courts in the Indian Territory are now paid: *Provided*, That the chief deputy clerks located at South McAlester, Muscogee, Vinita, and Ardmore, respectively, as well as all other extra clerk hire and office expenses, shall be paid by the clerks of the respective United States courts of the Indian Territory from the emoluments of their respective offices as provided by the act.

This provision as proposed to be amended would open up the entire compensation of deputy clerks, it seems to me, and would thereby change the existing law upon that subject, because the law provides that they shall only receive \$1,200. That provision is stricken out. The amendment may not be necessary, and I hope the Senator from Nevada will give attention to it in conference and that it will be looked into carefully. I think probably it is a good provision to leave out, though I may be mistaken.

Mr. STEWART. I understand that was put in by the House, and undoubtedly the conference committee will be intelligent about that subject.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 98, after line 2, to insert as a new section the following:

SEC. 16. That in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation act of June 17, 1902, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Yuma and Colorado River Indian reservations in California and Arizona, the Secretary of the Interior is hereby authorized to divert the waters of the Colorado River and to reclaim, utilize, and dispose of any lands in said reservations which may be irrigable by such works in like manner as though the same were a part of the public domain: *Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservations 5 acres of the irrigable lands. The remainder of the lands irrigable in said reservations shall be disposed of to settlers under the provisions of the reclamation act: *Provided further*, That there shall be added to the charges required to be paid under said act by settlers upon the unallotted

Indian lands such sum per acre as in the opinion of the Secretary of the Interior shall fairly represent the value of the unallotted lands in said reservations before reclamation; said sum to be paid in annual installments in the same manner as the charges under the reclamation act. Such additional sum per acre, when paid, shall be used to pay into the reclamation fund the charges for the reclamation of the said allotted lands, and the remainder thereof shall be placed to the credit of said Indians and shall be expended from time to time, under the direction of the Secretary of the Interior, for their benefit.

The amendment was agreed to.

The next amendment was, on page 99, after line 6, to insert as a new section the following:

SEC. 17. That in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation act of June 17, 1902, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Pyramid Lake Indian Reservation, Nev., the Secretary of the Interior is hereby authorized to reclaim, utilize, and dispose of any lands in said reservation which may be irrigable by such works in like manner as though the same were a part of the public domain: *Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservation 5 acres of the irrigable lands. The remainder of the lands irrigable in said reservation shall be disposed of to settlers under the provisions of the reclamation act: *Provided further*, That there shall be added to the charges required to be paid under said act by settlers upon the unallotted Indian lands such sum per acre as in the opinion of the Secretary of the Interior shall fairly represent the value of the unallotted lands in said reservation before reclamation, said sum to be paid in annual installments in the same manner as the charges under the reclamation act. Such additional sum per acre, when paid, shall be used to pay into the reclamation fund the charges for the reclamation of the said allotted lands, and the remainder thereof shall be placed to the credit of said Indians and shall be expended from time to time, under the direction of the Secretary of the Interior, for their benefit.

Mr. HANSBROUGH. I have no objection to that amendment, but I think that we had better make it general while we are legislating on the subject. I therefore move to insert, after the word "Nevada," in line 13, the words "or any other Indian reservation."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 17, on page 99, line 13, after the word "Nevada," it is proposed to insert "or any other Indian reservation."

Mr. SPOONER. How will it read as amended? What is it about?

The SECRETARY. As proposed to be amended, the section would read:

SEC. 17. That in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation act of June 17, 1902, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Pyramid Lake Indian Reservation, Nev., or any other Indian reservation, the Secretary of the Interior is hereby authorized to reclaim, utilize, and dispose of any lands in said reservation which may be irrigable by such works in like manner as though the same were a part of the public domain, etc.

Mr. STEWART. Mr. President, there are two or three little amendments which I desire to have made. On page 8, line 15, after the word "court," I move to strike out "to be—"

Mr. LODGE. Has the last amendment been agreed to?

The PRESIDING OFFICER. The last amendment has not yet been agreed to. The Chair thought the Senator from Wisconsin [Mr. SPOONER] addressed the Chair.

Mr. STEWART. I thought the amendment had been agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota [Mr. HANSBROUGH] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. COCKRELL. Do I understand that the amendment of the Senator from North Dakota [Mr. HANSBROUGH] has been agreed to—to include any and all reservations?

The PRESIDING OFFICER. It was agreed to without objection, but the Chair will consider it open if the Senator from Missouri desires.

Mr. COCKRELL. I did not know that the committee had accepted the amendment to include any and all Indian reservations.

Mr. STEWART. There can be no objection to it on any reservation. When it comes in the system of irrigation for particular lands, of course the reservation must be included in order to carry out the system; and if they irrigate the land of the Indians and give them for barren wastes 10 acres of irrigated land—

Mr. ALLISON. Five acres.

Mr. HANSBROUGH. Only 5 acres.

Mr. STEWART. Ten acres, is it not?

Mr. SPOONER. I did not suppose there was any limit in the bill.

Mr. STEWART. I think we had better put it at 5 acres, because if they get 5 acres that will be enough.

The agent at the works telegraphed that it is necessary that it should be only five. If an Indian gets five acres of irrigated land, he is a rich man.

Mr. SPOONER. What becomes of the Indians whose lands are injured—which are overflowed or damaged?

Mr. STEWART. If they can be found we will attend to their

cases. I do not think there is any danger of that. What about the white man who may be injured—

Mr. PLATT of Connecticut. If I understand this provision, it proposes, where Indians are on reservations which are irrigable and are to be irrigated, to give them five acres of land only and to dispose of all the rest of the land in the reservation to settlers and pay the result into the reclamation fund.

Mr. STEWART. Yes.

Mr. PLATT of Connecticut. Now, if the Senate desires to do that, these amendments are properly drawn to accomplish that purpose.

Mr. SPOONER. And that without consulting the Indians.

Mr. PLATT of Connecticut. I so understand.

Mr. HANSBROUGH. I did not understand that section 17 gives such authority. I read the provision hastily, and it occurred to me that if we were going to extend the reclamation law to any particular reservation it would be well to have a general provision extending it to all of the reservations. Of course, if the Senator from Connecticut thinks this disposes of lands in all these reservations belonging to the Indians I shall withdraw the amendment, for I have no desire to do that.

Mr. STEWART. I think you had better withdraw it.

Mr. ALLISON. It certainly does that. In lines 20 and 21 you will see it is provided that all irrigable lands not allotted shall be disposed of under the provisions of the reclamation act.

Mr. PLATT of Connecticut. There is this in favor of the amendment—that these lands, until they are irrigated, are worth nothing. It is not like taking agricultural lands away from the Indians and allowing them nothing for them. There is that distinction between desert lands and agricultural lands. Now, the amendment does, as I understand it, take away from the Indian upon any reservation which is irrigated all except 5 acres.

Mr. HANSBROUGH. I think the Senator from Connecticut is correct in his reading of the amendment, and I withdraw my amendment in order not to complicate the matter.

Mr. DUBOIS. Does the Senator withdraw the amendment?

The PRESIDING OFFICER. The Senator withdraws the amendment. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. STEWART. I desire to offer the amendment I send to the desk.

The SECRETARY. On page 8, line 15, strike out the words "to be;" so as to read:

For one stenographer to each of the three judges of the Choctaw and Chickasaw citizenship court, appointed by them, respectively, etc.

The amendment was agreed to.

Mr. QUARLES. On page 1—

Mr. STEWART. I wish to put in one or two little amendments to finish up the bill.

The PRESIDING OFFICER. These are reserved committee amendments.

Mr. QUARLES. Very well.

The SECRETARY. On page 54, line 24, after the word "Interior," insert the following:

By the Commission of three persons provided for in said section of said act.

Mr. CULBERSON. Let the amendment be again stated.

Mr. STEWART. Read it as the clause will read if amended.

The SECRETARY. On page 54, line 24, after the word "Interior," it is proposed to insert "by the Commission of three persons provided for in said section of said act;" so that, if amended, it will read:

And all other lands and deposits of like character in said nations segregated under any act of Congress shall, instead, be sold, under direction of the Secretary of the Interior, by the commission of three persons provided for in said section of said act, after due advertisement, upon sealed proposals, under regulations to be prescribed by the Secretary of the Interior and approved by the President, with authority to reject any or all proposals.

The amendment was agreed to.

Mr. PLATT of Connecticut. Are there not some committee amendments which have been passed over?

The PRESIDING OFFICER. There are several committee amendments which have been passed over; two, the Chair believes.

Mr. PLATT of Connecticut. Let us dispose of the amendments which have been passed over.

Mr. McCUMBER. There is one matter which I wish to call up. I refer to what occurred yesterday, and I invite the attention of the junior Senator from Massachusetts to the proposition. I believe he raised the point of order on the Eli Ayres amendment.

I submitted to the Senator yesterday the report that was made by the committee, with the request that he would read it over to see whether or not he desired, from his previous knowledge of the case, after reading the report, to stand upon his objection. I know the Senator from Massachusetts would make no objection unless he considered that there were other grounds than the mere

point that it was general legislation, for the reason that many amendments of general character have gone through.

Mr. LODGE. If the Senator will excuse me, I did not make the point of order that it was general legislation. I made the point of order that it was a private claim.

Mr. McCUMBER. As a private claim. I will say that many other private claims have been put on this bill, and I assume, therefore, that the Senator would make no objection unless there was some other reason back of it in his mind why this as a private claim should not be allowed.

Mr. CLAY. Will the Senator allow me to ask how many private claims are included in this bill?

Mr. McCUMBER. I have not the number.

Mr. CLAY. Is it not true that there are sixty or seventy private claims included in this appropriation bill?

Mr. PLATT of Connecticut. How many?

Mr. CLAY. Sixty or seventy.

Mr. PLATT of Connecticut. Oh, no.

Mr. STEWART. No.

Mr. McCUMBER. No.

Mr. CLAY. How many pages in this bill are devoted to general legislation?

Mr. McCUMBER. Perhaps the chairman can answer the question. I will not myself attempt it.

Mr. CLAY. I have been told that there are twenty-one pages in it devoted to general legislation.

Mr. McCUMBER. The question I wish to raise is of an entirely different character.

In 1839 Eli Ayres purchased 194 sections of land in an Indian reservation, from the Chickasaws, I believe it was. They were Indian reservees. This was done in conformity with the requirements of a treaty made with the Chickasaw Nation in 1834. He paid for that land according to the agreement, a hundred and fifty-five thousand two hundred dollars. This, I believe, was at the rate of one dollar and a quarter an acre.

It is contended on the part of the Department, as I remember, that this land was granted to the Chickasaws as a tribe and did not belong to them individually, and therefore they had no right to sell it individually. They did sell it. They passed their deeds. They received \$155,000, as I am informed, according to the report, and the Government refused to concur in the deeds, and, holding that the land did not belong to the Chickasaws, or at least that they had no right to transfer it, the Government threw one-half of it open to settlement, or about that, and sold the other half.

For that which was sold the Government received some \$56,000, which was put into the Treasury of the United States. The Supreme Court of the United States held after that, as did the supreme court of the State of Mississippi, that those deeds were valid, that the land did belong to the Chickasaws individually, and that they had the right to convey the same, and since that time this claim has been pending before the Departments of the Government seeking to recover the amount paid.

Now, inasmuch as the Government received in actual cash for this land, which had been absolutely purchased and to which a good title had been obtained by Eli Ayres, the sum of only about \$56,000, the claim of Mr. Ayres or his assignee was cut down to the sum of \$56,000, the actual amount received by the Government of the United States.

Now, three things are undeniable: First, the land did belong to Eli Ayres. He got a clear title to that land. Secondly, the Government had no title; and, thirdly, the Government took the land of Eli Ayres and sold it and received for that which was sold \$56,000, and also opened up to settlement the balance of the land that had been purchased by him, for which, of course, it received nothing, it being taken as homesteads, etc., I presume.

Now, the question which arises is whether the Government, having sold property that did not belong to it and having received money for those lands, ought not at least to pay to the legal owner of the land what it received. This is the statement which comes before the committee. I served on the subcommittee on this case. It will come up year after year, and the same facts will be furnished us, which are found in the reports that have been made by the Secretary of the Interior, the deeds, etc., every one of which is obtainable. As I say, the question will come up again year after year, and if there is any reason why it is not a valid claim, and if the Senator from Massachusetts can give us that reason, I certainly will be gratified to receive it here on the floor, so that we may know that there is something back of what appears on its face to be a just claim. On the face of the facts it does appear clearly and beyond any question that the Government did take land belonging to Eli Ayres, and that it sold it and received the money for it.

Now, as I say, there may be something back of this which the subcommittee has not been able to find and of which some Senator can inform us. If there is, I know the subcommittee which has had this matter in charge will be glad to hear it, and so will

the Committee on Indian Affairs. I fail to find any reason why it should not be paid.

Mr. CULBERSON. I notice that the amendment refers to Ayres as having been a resident of the State of Texas. I will ask the Senator if any other committee of this body ever reported this claim favorably?

Mr. STEWART. Oh, yes; the Committee on Claims.

Mr. McCUMBER. I understand that the Committee on Claims has reported it favorably.

Mr. ALLISON. At this session?

Mr. McCUMBER. No; it has been before the Committee on Indian Affairs at this session.

Mr. ALLISON. On this bill?

Mr. McCUMBER. On this bill.

Mr. CULBERSON. I suggest that if objections are going to be made to particular items in this bill because they are private claims the general rule should be insisted on as to all of them.

Mr. McCUMBER. The reason why I called up this matter at the present time is that the same item was on the bill a year ago, I believe, and the same point was raised, and of course it was sustained; but those who have considered it feel that it is a fair amendment and that it ought to be paid. If there is any reason why it should not be paid and why it should be excepted from other amendments of like character, we ought to know it, and then we will be prepared to take it up again when it comes before the Senate.

Mr. STEWART. It went out in conference.

Mr. McCUMBER. I am informed that it was put on the bill and went out in conference.

Mr. TELLER. In answer to the inquiry whether the Committee on Claims has ever reported this matter, I will state that while a member of that committee I reported the bill for \$155,000.

Mr. CULLOM. What is the amount now?

Mr. TELLER. Fifty-eight thousand dollars. It has been repeatedly reported from the Committee on Claims for that sum. The Government got actually in cash for this land \$58,000, and finally, in order to compromise the difference between Senators, it was agreed that this amount should be paid. Last year we put it on this same appropriation bill, and the House refused to concur. It may do so again. I do not know. The report I made must have been ten years ago.

I regard this claim as an obligation on the part of the Government of the United States as binding as the obligation of any bond that the Government ever executed, and more so, because by force practically it took the money away from this man, long since dead, as I know, but whose heirs are entitled to it. Later the courts held that the title he had was good; and if the people who bought this land of the Government have any title at all, it is the title that lapse of time gives.

Mr. LODGE. I made the point of order against this claim. It is a large claim. It is an old claim. It has been here a great many years, I know. It has been discussed here at length. Some years ago I became entirely convinced, perhaps erroneously, although I have seen no reason to change my mind, that it was not a sound claim. I do not care to take the time of the Senate on the Indian appropriation bill in discussing the Eli Ayres claim. It can be argued here by the hour. I do not think it ought to be on the Indian appropriation bill. I do not approve of putting private claims generally on appropriation bills. I have not undertaken to make points of order against all of them, but I did against this one because I had discussed it at length and thought I knew something about it. I shall not withdraw the point of order, which I believe has been sustained.

The PRESIDING OFFICER. The Chair is so informed.

Mr. HANSBROUGH. I wish to offer an amendment.

Mr. PLATT of Connecticut. There are several amendments which have been passed over.

Mr. STEWART. Let us dispose of those which have been passed over.

Mr. HANSBROUGH. I thought we were through with the committee amendments.

The PRESIDING OFFICER. The Chair thinks there are two other committee amendments.

Mr. CULBERSON. I should like to ask what became of the Ayres amendment?

The PRESIDING OFFICER. It was ruled out on a point of order.

Mr. CULBERSON. Does the Senator from Massachusetts insist upon the point of order?

The PRESIDING OFFICER. He did not withdraw it.

Mr. LODGE. I made the point of order yesterday, and the amendment was ruled out yesterday.

Mr. CULBERSON. Does the Senator insist upon the point of order?

Mr. LODGE. Yes, Mr. President; I made the point of order yesterday.

Mr. SPOONER. Yesterday afternoon the Senator from Connecticut [Mr. PLATT] submitted some observations as to the treaties under which arises the claim of the Delawares for reimbursement for the difference between what should have been paid in gold and what was paid in currency. I should like a little more definite information from the Senator, if he has it at hand, upon that branch of this question, which is really the pivotal point in it.

Mr. PLATT of Connecticut. Is that before the Senate? It was passed over.

Mr. QUAY. The Delaware amendment was not passed over. It was agreed to.

The PRESIDING OFFICER. It was agreed to as amended.

Mr. PLATT of Connecticut. It was agreed to?

Mr. QUAY. It was agreed to as amended.

The PRESIDING OFFICER. Will the Senator allow the two other amendments which have been passed over to be disposed of?

Mr. ALLISON. It was my understanding that the Delaware amendment would be brought up when the bill reached the Senate.

Mr. PLATT of Connecticut. Yes; in the Senate.

Mr. QUAY. The amendment was agreed to, and the Senator withdrew the point of order.

Mr. ALLISON. I reserved the point of order on the amendment, with a view of debating the question when it came up in the Senate.

Mr. QUAY. I did not hear anything about debating it.

The PRESIDING OFFICER. The first amendment which has been passed over will be stated.

The SECRETARY. On page 7, line 5, after the words "practical stockmen," it is proposed to insert "subject only to such examination as to qualifications as the Secretary of the Interior may prescribe;" so as to read:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, etc.

Mr. LODGE. Mr. President, this amendment and the one at the bottom of page 8 were passed over largely at my request. I think. I have since then got a statement in regard to the nature of the examinations, which I will print in the RECORD, and also statements and reports of the Commissioner of Indian Affairs:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., March 23, 1904.

Hon. HENRY CABOT LODGE,
United States Senate.

SIR: In compliance with your telephone request of the 22d instant for a statement of the subjects included in the examinations for farmer, matron, and stockman in the Indian Service, the Commission has the honor to submit the following information:

FARMER EXAMINATION.		Relative weights.
Subjects:		
Penmanship.....		5
Spelling and copying.....		5
Farm economy, relating to farm implements, appliances, machinery, and buildings.....		25
Keeping accounts, elementary tests in farm accounts.....		25
Practical questions in carpentry and blacksmithing, embracing construction of farm buildings and ordinary blacksmithing and horseshoeing.....		15
Practical questions in farming, embracing operations with soils, crops, timber, in dairying, stock raising, orcharding, and gardening, as applied to general farming.....		25
Experience in farming.....		20
Total.....		100

MATRON EXAMINATION.		Relative weights.
Subjects:		
Penmanship.....		5
Spelling and copying, about seven lines of ordinary prose containing twenty or more misspelled words.....		5
Domestic economy, comprising practical economical housekeeping and the training of pupils in domestic science and good morals.....		25
Keeping accounts (a memorandum of domestic supplies received and issued is given, and the competitor required to make the proper entries to account for same).....		10
Nursery management and domestic hygiene, involving a knowledge of the principles of domestic hygiene, the diseases of children and their treatment by the nurse, the ventilation and disinfection of the sick room, what to do until the doctor comes in emergency cases, and the general duties of a nurse.....		25
Cutting, fitting, and sewing, an essay of from 200 to 250 words on each of two topics relating to cutting, fitting, and sewing by both hand and machine.....		15
Experience.....		15
Total.....		100

STOCKMAN, DAIRYMAN, AND OTHER EXAMINATIONS FOR MINOR POSITIONS.		Relative weights.
Subjects:		
Age.....		20
Physical condition.....		20
Experience.....		60
Total.....		100

It will be noted that in the farmer examination the practical questions and tests, including a consideration of the experience of the competitor, constitute 85 per cent and the educational or scholastic tests, embracing merely the elements of a common-school education, but 15 per cent. An elementary knowledge of carpentry and blacksmithing is included for the reason that industrial teachers as well as farmers are appointed as a result of this examination, the scope and character of which were determined upon by the Commission, with the cooperation of officers of the Bureau of Indian Affairs.

The subjects included are only those considered by that Bureau as necessary and proper tests of fitness of its farmers and industrial teachers. The minimum scholastic tests have been insisted upon by that Bureau for the reason that the farmers in the Indian Service are also teachers of general farming and farm economy and should have sufficient education to intelligently instruct the pupils placed under their supervision.

Indian school supervisors and other officers closely connected with the Indian school work have urged that the standard be raised and that only well-educated and highly trained farmers who have an excellent knowledge of the theory as well as the practice of agriculture be appointed in the Service; but the small salaries offered are not sufficient to induce such men to seek the positions. It is not believed, however, that the present minimum standard for this position may be materially lowered without injury to the Service. Several weeks ago the Commission suggested to the Indian Bureau an increase in the relative importance of the element of experience as a desirable modification of the examination, but the Bureau has not yet concurred in the suggestion. It may also be stated that for the Indian schools in the arid region practical questions relative to irrigation and experiences in such work are included in the examination, with a relative weight of 20 per cent.

While the Commission has failed at times to secure a sufficient number of qualified men for this service, owing to its unattractive character and the low salaries offered, the service has not been materially embarrassed through such failure, as temporary appointments of the Department authorized by the Commission have been made permanent where no eligibles were secured in a reasonable time. Special facilities have also been afforded to such temporary appointees to take the regular examinations by arrangement in certain cases to have them held at the schools where such appointees are employed.

The examination for the position of matron was determined upon by the Commission in conjunction with the officers of the Interior Department in the same manner as that for farmer, and embraces only those subjects considered essential tests of fitness for the position.

For positions of cook and laundress, and others of a minor character, no educational tests are required, although it has been stated by officers of the Indian Service that such employees act as teachers of their respective occupations and should therefore be tested in the elements of a common school education in addition to a knowledge of their respective trades or occupations. It is understood that the Department has been favorable to the retention of these minor positions in the classified service for the reason that quite as capable a class of employees has been secured as it would be possible to obtain in any other way for the low salaries paid.

The Commission will be pleased to furnish such further information as may be desired concerning examinations and appointments in the Indian Service.

Very respectfully,

JOHN C. BLACK, President.

It will be seen that the examinations are extremely practical, in the case of a farmer only 15 per cent relating to penmanship, spelling, copying, and keeping accounts; 85 per cent is entirely as to experience and knowledge in farming. It is the same way in regard to the matrons, only 10 per cent being in reference to penmanship, spelling, and copying, while the other 90 per cent relates entirely to practical questions of housekeeping and experience. For stockmen, dairymen, and other minor positions the only subjects are age, physical condition, and practical experience. There is no scholastic examination whatever. It seems to me the examinations are not unreasonable.

The statements of the Commissioner of Indian Affairs seem to indicate that on the whole the officials think this system, if not perfect, is better than the old system. It seems to me the amendment proposes rather a radical change in the existing law without any information direct from the Department in regard to it. If it was the desire of the officers who are charged with the care of Indian affairs I of course should not think of putting my opinion against theirs, but it seems to me under the circumstances that it is a change which had better not be made without further knowledge than I at least have. For that reason I make the point of order that both of the amendments are general legislation and propose a change of existing law.

Mr. ALLISON. On what page are they?

Mr. LODGE. Pages 7 and 8, in regard to farmers and stockmen and matrons.

Mr. SPOONER. So far as the point of order is concerned, it is very difficult to say what is and what is not general legislation. This provision, I understand, lasts for a year, just as the provision that precedes it lasts for a year; and if in a bill appropriating money it is incompetent, because it is general legislation, for Congress to provide as to the instrumentalities which shall be employed in its expenditure and disbursement, it being a temporary provision anyway, living only as long as the appropriation lives, then there is a great deal in this bill that is general legislation; and so in every other appropriation bill. I think a ruling sustaining the point of order is one which would very much and very unfortunately tie up the hands of the Senate in the enactment of appropriation bills.

Mr. LODGE. I do not understand that this expires with the year. I think this is legislation which does not. I think as it stands it is general legislation.

Mr. SPOONER. It does not say "hereafter."

Mr. LODGE. No; but I think it is a clause which clearly, like a great deal of other legislation on appropriation bills, of course, as the Senator knows, does not expire with the year. I think this is of that character. It is a change in existing law. This changes existing law, and although that is the House rule and not our rule, I think it gives the amendment the character of general legislation. It changes an existing statute, which is a permanent statute.

Mr. SPOONER. I know what "general legislation" is under the constitutions of the States as contradistinguished from private and local or special legislation; but what this phrase "general legislation" embraces here or how to make any satisfactory definition of it, I have never yet discovered.

Mr. LODGE. I think it is a very vague term as it is used here. The President of the Senate, in ruling the other day, described it as legislation of a permanent character that did not expire with the bill. That is, he gave that as one definition. I have always thought the House definition as to an amendment changing existing law was much better. This certainly changes existing law, and as it changes an existing general statute, which is not an appropriation bill, it seems to me to come fairly within the scope and phrase "general legislation," because we are repealing a portion of a general statute.

Mr. STEWART. Mr. President, on its face it is not general legislation, as you can see. It says:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency farmers now employed, at wages not exceeding \$75 each per month, and for furnishing necessary equipments and rental of quarters, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, \$125,000.

It makes the appropriation for this year.

Mr. SPOONER. That is all right. That leaves the regular farmer just as he was.

Mr. STEWART. It makes the appropriation for this year.

Mr. SPOONER. This is for additional farmers and stockmen—

Mr. STEWART. And fixes the price.

Mr. SPOONER. And fixes the method of examination which shall apply to them. That changes no existing law. It regulates the appropriation of money which for the first time is made in this bill.

Mr. LODGE. I thought this was a regular appropriation made every year.

Mr. SPOONER. No; not this one for additional people.

Mr. LODGE. I thought we made that appropriation for additional people every year.

Mr. SPOONER. The chairman of the committee says no. Suppose the Civil Service Commission should lose a stockman now and then by some—

Mr. GORMAN. Do what? I can not hear.

Mr. SPOONER. Suppose the horrible thing should happen that the Civil Service Commission should for a year lose jurisdiction of a stockman—

Mr. STEWART. Or of a farmer—

Mr. SPOONER. Or a farmer—

Mr. STEWART. On a reservation—

Mr. SPOONER. Or a matron. I do not think it would shake the foundations of the universe or leave Liberty bleeding in the streets. But on the face of this amendment the point certainly is not well taken.

The PRESIDING OFFICER. If the Senate desires the present occupant of the chair to rule on the point of order, he is perfectly willing to do so. He is under the impression that the existing law is changed by this amendment. Congress has already given to the President authority to extend the civil-service laws whenever he thinks wise, and if he thought wise he could do it just as well with this amendment out as with it in.

Mr. STEWART. Submit the point to the Senate.

The PRESIDING OFFICER. The amendment changes existing law in that it takes the authority away from the President and gives it to the Secretary of the Interior.

Mr. SPOONER. If the Chair will pardon me a suggestion, Congress makes a great many changes in existing law when it adds employees that are not provided for by existing law. That is a change in existing law, but it is not necessarily general legislation.

The PRESIDING OFFICER. The Chair should have said "general legislation."

Mr. SPOONER. Is it general legislation? Is it possible that it is general legislation, and therefore obnoxious to the rule of the Senate, for Congress, leaving subject to the jurisdiction of the Civil Service Commission or the President those regular officers who have heretofore been provided for and whose compensation is simply provided for here, to add other employees who never have been in that work?

Mr. LODGE. I understand, as a matter of fact, that this clause has been carried for some years.

Mr. SPOONER. I do not know about that.

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. NELSON. We have been in the habit, where very doubtful points of order have been raised, of having them submitted to the Senate. This apparently, from the discussion, is of such a

doubtful character, and I suggest to the Chair that the point of order be left to the Senate.

The PRESIDING OFFICER. The Chair has no hesitancy whatever in doing it. The Chair will submit the question to the Senate.

Mr. HOAR. It can be submitted to the Senate on an appeal.

The PRESIDING OFFICER. The question is, Is the amendment in order?

Mr. LODGE. Has the Chair decided the question?

The PRESIDING OFFICER. The Chair does not decide it. Is the amendment in order?

Mr. LODGE. Before that is done, I merely wish to say that I have here some statements of the Commissioner of Indian Affairs. I know very little about the Indian Service, but—

Mr. HANSBROUGH. I suggest to the Senator to read them.

Mr. LODGE. They are extracts from his reports.

Mr. HANSBROUGH. Let the Senator read anything bearing on this question in the report of the Commissioner of Indian Affairs.

Mr. LODGE. It is an extract from the report of the Commissioner of Indian Affairs of 1902. He says:

The application of the classified service to this branch of Government employees has raised the tone and elevated the morals of the Indian school service.

He further says:

Through politics and favoritism the Indian school service was handicapped to a considerable extent in the past, but this objectionable feature has gradually given way to a more efficient corps of employees, through which the schools have steadily improved and are now being intelligently conducted and rendering valuable service, with very little, if any, reasonable grounds for adverse criticism.

In his report for 1903 he says:

The difficulty surrounding those who are employed in Indian schools is extremely great. Charged with the responsibility of forming the moral characters of numbers of Indian children who do not appreciate the restraints with which our own children are familiar, and knowing these general conditions, the characteristics of the Indians, and the lack of home support, when cases of immorality among the pupils are reported they are not judged with the same degree of harshness as would be the case had they occurred in a white school.

As employees of the Indian schools, if these people are to teach the Indians the business of farming, stock raising, and so on—

Mr. SPOONER. How is that?

Mr. LODGE. As I read the provision to which the amendment applies, they are "to superintend and direct farming and stock raising among such Indians as are making an effort for self-support."

Mr. SPOONER. The Senator was reading about schools.

Mr. LODGE. I was saying that I suppose this comes under the general head of instruction.

Mr. STEWART. Will the Senator allow me?

Mr. LODGE. Permit me to finish reading this extract.

Mr. STEWART. We have followed that suggestion.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. STEWART. Very well; if he will not yield.

Mr. LODGE. I am perfectly willing to yield.

Mr. STEWART. I say we have followed the suggestion the Senator has just read. We had some controversy about schools and agents and so on, and we followed that suggestion. We had quite a contest here whether that is to be carried out.

Now, here is another thing that the Commissioner recommends. He finds he can not get farmers under that system, and he recommends this slight change for half a dozen farmers to superintend farms and stock raising on reservations. The same man who wrote that recommended this provision.

Mr. LODGE. I, of course, give great attention to his recommendation. I should be glad if the Senator would read the recommendation he made.

Mr. STEWART. He made it verbally before the committee and it was put in at his suggestion.

Mr. LODGE. Very well.

Mr. STEWART. It was put in by the committee when the suggestion was made verbally. This was put in at the suggestion that it was impossible to get the right kind of men through the civil service to do that particular work.

Mr. LODGE. I see the subjects: "Examination for stockmen—age, physical condition, and experience." I suppose those are hardly scholastic tests.

Mr. SPOONER. That is very strong evidence that this matter ought not to be under the jurisdiction of the Civil Service Commission. Of course, I agree entirely with the Commissioner and the Senator from Massachusetts that the superintendent of schools and the teachers of Indian schools ought to be absolutely removed from politics. There is a great difference between handling children and handling hogs.

Mr. LODGE. I probably misunderstand the appropriation, but I supposed it was intended to instruct the Indians in farming and

stock raising. That is what I supposed. I did not suppose they were merely employed to run a farm. I supposed they were employed to instruct the Indians and be associated with them. I think it is very desirable to get men of good character.

Mr. GORMAN. Mr. President, when this matter first came up for consideration in the Senate I expressed the opinion that I thought it was wise, in view of the extraordinary power that Congress has conferred upon the President and the Civil Service Commission, that the whole question of the exemption of smaller places from the civil service should be treated as a whole and not be dealt with in this small way in various bills that are coming before Congress. I am still of that opinion. I have no doubt, and I trust, from what I read in the papers this morning as to the action of the President in the matter where there are quite a number of places to be filled in the construction of the isthmian canal, that he has rather reached that conclusion himself. I find that in his very extraordinary letter, which is published to-day, instructing the Commissioners, he uses the language which I shall read. It would seem that he believes in all important enterprises particularly civil service examinations can not well be applied to the smaller places. After notifying these gentlemen of their appointment as Isthmian Canal Commissioners, he says to them:

I believe that each one of you will serve not merely with entire fidelity, but with the utmost efficiency. If at any time I feel that any one of you is not rendering the best service which it is possible to procure, I shall feel called upon to disregard alike my feelings for the man and the man's own feelings, and forthwith to substitute for him on the Commission some other man whom I deem capable of rendering better service. Moreover, I shall expect, if at any time any one of you feels that the work is too exhausting and engrossing for him to do in the best possible manner, that he will of his own accord so inform me, in order that I may replace him by some man who, to the requisite ability, joins the will and the strength to give all the effort needed. But so long as you render efficient service of the highest type in the work you are appointed to perform, you may rest assured of my hearty support and backing in every way.

These are the conditions under which you have been appointed and under which I shall expect you to proceed. I shall furthermore expect you to apply precisely the same principles in the choice and retention of the subordinates who do the work under you as I have applied in your choice and shall apply in your retention. I shall expect you to appoint no man for reasons other than your belief in the aid he can render you in digging the canal. If, having appointed any man, you find that your expectations about him are not fulfilled or that from any reason he falls short of his duty, I shall expect you to dismiss him out of hand; I shall expect that under such circumstances you will pay not the slightest heed to any backing or influence the man may have. I assume, as a matter of course, that in dealing with contractors you will act on precisely the principles which would apply in any great private business undertaking. There is no man among you to whom I think it is necessary to say a word as to the standard of honesty to be exacted from every employee or contractor, for if I had had the slightest ground for suspicion that there was need to say such a word to any one of you I should not have appointed him. But I do wish to emphasize the need of unceasing vigilance in the performance of this great work.

As to the details of the work itself I have but little to say. It is to be done as expeditiously as possible and as economically as is consistent with thoroughness. There is one matter to which I wish to ask your special attention—the question of sanitation and hygiene. You will take measures to secure the best medical experts for this purpose whom you can obtain, and you will, of course, make the contractors submit as implicitly as your own employees to all the rules and regulations of the medical department under you. I presume you will find it best to have one head for this medical department, but that I shall leave to your own judgment.

The plans are to be carefully made with a view to the needs not only of the moment, but of the future. The expenditures are to be supervised as rigorously as if they were being made for a private corporation dependent for its profits upon the returns. You are to secure the best talent this country can afford to meet the conditions created by every need which may arise. The methods for achieving the results must be yours. What this nation will insist upon is that the results be achieved.

Mr. President, I think it is wise that the President should so instruct his Commission in regard to the selection of subordinates. He is receding from the advanced civil-service-reform idea which has been applied to small places such as those we are considering in this bill. It is the result, I have no doubt, of the President's experience when he has come to deal with these matters practically and when the responsibility of dealing with them is upon him. I do not know of any law in existence which authorizes such instructions in regard to employment, but the President has seen proper to determine that that is his power, his right, his duty, and it will apply to thousands and thousands of men.

As I said yesterday, I think the rule is a wise one, and he is perfectly justified, if he has the right, to instruct the Commissioners that the civil-service rules shall not apply to the persons who will be required in the construction of the canal. I suggest to the Senator from Massachusetts, who I know is an advocate of the civil-service-reform laws and regulations, that it is time some such rule as the President has now adopted in the employment of 20,000, 30,000, or 50,000 men, whatever the number may be, shall be extended to the service within the States and Territories of the United States.

I think it is fortunate that this matter comes as it does on the Indian appropriation bill, and that it comes at a time when the President has receded from the advanced position he has heretofore held.

I shall sustain the amendment of the committee, seeing that there is no way in which we can deal with the subject generally at the present session of Congress, and being perfectly prepared

hereafter, at the next session of Congress, to restrict the power of the Executive, if it be necessary. Indeed, I think no man who considered the proposition in either branch of Congress when the original law was framed here contemplated that it would be extended as it has been to minor and subordinate positions.

I know that for a time, and for a very long time, the newspapers of the country, the civil-service boards, intelligent men, men of activity and of learning, created the impression that there was a disposition among men occupying seats in both Houses of Congress to oppose civil service because it was the matter of patronage that they wanted; that their only opposition to the law was because they wanted to benefit constituents and persons dependent somewhat upon them for political positions.

I myself have modified my own view within the last few years as to the operation of the law so far as it applies to clerkships and other offices of the Government. I think it has benefited the country and relieved us all. It is not a matter with me of patronage, but simply in the interest of the proper administration of the affairs of the country. I congratulate the country and rejoice in the fact that the President, whom I know to be entirely sincere in all the views he has had heretofore, has reached a point where he has opened the door and relieved the situation in the case of the isthmian canal. I only trust it will be extended, and that small farmers, charwomen, mechanics, and people who are dependent upon their daily toil for a livelihood shall have the opportunity to get these small places, not by political influence necessarily, but that the door may be opened to them as the President has now opened it to everybody who can live in the climate down on the Isthmus.

Mr. PLATT of Connecticut. Mr. President, I agree with very much that the Senator from Maryland [Mr. GORMAN] has just said, but I have never supposed that the civil-service law as it exists on our statute books or has been supplemented by legislation could by any means be held to apply to the building of the isthmian canal. So I do not think the order or statement which the President has just issued to the Commission has any significance whatever as relating to appointments under civil-service laws and regulations.

I think, with the Senator from Maryland, it is just right that there should be no appointments there by political influence, and even that Senators and Members of the House ought to refrain from recommendations of persons to be employed by that Commission. I myself have taken that ground. I received a great many applications from people who desired to be employed under the Commission, and I have uniformly said to them that I did not think the employment a matter which ought in any way to be influenced by what are supposed to be political considerations, and I must decline to make recommendations.

I would have said nothing on the subject, except I thought I gathered from what the Senator from Maryland said that the action of the President in some way was a departure from his former views with regard to appointments by civil service.

Mr. LODGE. I do not think the Panama Canal has any bearing whatever on the civil-service law or on this particular question; but I have no desire to have the Senate overrule what I believe to be a sound point of order. We have so few rules to protect us on appropriation bills that I do not wish to see this point overruled, and therefore I will withdraw it.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws the point of order.

Mr. SPOONER. Mr. President, I wish to say a word in reply to the Senator from Maryland [Mr. GORMAN]. I understood the Senator from Maryland to intimate some doubt of the power of the President to instruct the Commission in the matter of appointments. If the Senator will recur to the act he will find that the responsibility of constructing the canal is placed by law upon the President. Of course he is to do it through the Isthmian Canal Commission, but the act provides that—

Said Commission shall in all matters be subject to the direction and control of the President.

So everything the President said, I think, was not only well said, but said with as complete power as any public officer ever was charged with.

I do not think the Senator from Maryland is justified at all, as the Senator from Connecticut [Mr. PLATT] has said, in inferring from the letter of the President—nor would he be if it were a specific order—that the civil-service rules should not apply to the construction of the canal, in imputing to the President any recession from his views in relation to the general subject of civil service. I have never supposed it could occur to any sane man in the United States that that canal could be constructed under the handicap, delay, and all that, of competitive examinations through the Civil Service Commission, thousands of miles away, a great work on which, I suppose, 50,000 or 60,000 men may be employed at a time—it may be more—where there will be a vast number of employees, some from this country and some not. The

idea of applying to that work outside of the United States, technically, really, the civil service would be an utter absurdity, and would tend more than any other one act, I think, to impede the construction of the canal.

Mr. HOAR rose.

Mr. MITCHELL. Mr. President, I desire to offer an amendment—

The PRESIDING OFFICER. The Senator will withhold his amendment for a moment, until these amendments are agreed to. Without objection, the amendments on page 7 will be agreed to.

Mr. HOAR. I rose to speak to the existing question.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. HOAR. Mr. President, I wish to say one word in regard to what has been said by the Senator from Maryland [Mr. GORMAN] and the Senator from Connecticut [Mr. PLATT], because it seems to me that both those Senators, undoubtedly undesignedly, have perhaps confounded two very different things in speaking of the matter of appointment, as the Senator from Connecticut did, of persons to be employed on the isthmian canal. I understand that when civil-service reform was demanded and came into operation the whole civil service of the country, then amounting to between 50,000 and 100,000 persons, was practically used as an instrument for the promotion of the fortunes of the dominant political party, whatever it happened to be, and which at that time was the Republican party.

If it had gone no further than that, there was a certain reasonableness in the arrangement. At any rate, a very strong argument could be made for maintaining that practice. The dominant party is responsible for the Administration. The President is chosen as a political leader and as the head of a political party. I do not mean by that that he is to be the head of a political party in his executive action, but he is taken from among the great political leaders of the country. A party government, in the experience of mankind, wherever the people of a country in whole or in part govern themselves, is the best government that has ever existed on the face of the earth, and more is accomplished for liberty and order and advancement in that way than in any other.

Now, then, the political party being responsible for the Government and the Executive being responsible that the laws are faithfully and well executed, it was very earnestly and fairly argued that if that were all, it was better to make up the civil service of the country of men who were influential and active in their political parties. Such men are always and invariably men of energy. They are usually in our American community men of character, or they can not maintain their influence and leadership. The political party is then responsible, clear down to the roots, for an efficient and honest and satisfactory administration.

That was the old system brought in. It is our habit to say that in the old times of Washington and Jefferson that did not exist. General Washington declared when he was President that he would not knowingly put into any important public office a man who did not maintain the political opinions of his Administration; and when Mr. Jefferson came into office he declared that he found every place in the civil service and every office above the lowest grade in the Army filled by a political opponent of his own.

But the trouble was the thing went further. The able and influential members of the two Houses of Congress undertook to claim not that the Administration should fill the offices with persons representing fairly the dominant party in different places, but that they should fill the offices with their particular adherents.

There were instances which the Senator from Maryland undoubtedly may remember—it is not necessary for me to specify them—where eminent politicians, Republicans holding offices in the Senate and the House, would recommend a Democrat a great deal quicker than they would recommend a man who was not devoted to their own personal fortunes, and who did not belong to their political faction in the party. So the thing became unpopular, and in some places a scandal, not because the appointments were political, but because they were made the instruments of building up in different parts of the country a sort of personal chieftainship; and the man who came to the Senate or the House frequently had, as Scott says in Waverly, a Vichian Vohr, with his tail on set of retainers in the Departments, who were thoroughly and utterly devoted to that man's political fortunes without any regard to the interests of the party which was organized to advance certain political principles. Every Senator will remember instances of that kind.

Civil-service reform went on the theory not that those examinations are the best possible way of ascertaining whether men are honest or efficient or capable of particular executive functions; it went on the ground that, on the whole, a system which was open to all citizens alike, which determined the title to appointments to office by certain examinations, while not the best thing possible, was infinitely better than determining them by the simple test of whether the candidate or the applicant was de-

voted to the particular fortunes of an ambitious candidate in the Senate or in the House of Representatives or in some other political office. It is not the best system; but it is a better system practically by far than the one it has supplanted, and it has grown in favor, as the Senator from Maryland [Mr. GORMAN] indicated in his own case, by trial. The putting a stop to patronage for that purpose is a very different thing from the practice of consulting Senators and Representatives in regard to matters, even like this very matter of the persons who are to be employed in this mighty enterprise of building the Panama Canal.

I suppose everybody will agree that with such public instruments all employees of this sort ought to be fairly divided between the different sections of the country. The Government can not maintain the confidence or the affection or the support of the people unless the people of every part of the country have their fair and full share in it. It would not be just, if you are to appoint a thousand men for this particular public service, to take them all from California or all from Mississippi or all from Massachusetts, even if you got in that way, on the whole, a better set of public employees. Everybody agrees to that. If that is to be done, how is the President or how is an Executive Department to find out who are the best men and the qualities of men in a particular State, except by inquiry of the men whom that State has selected, or men of experience, acquainted with their people at home, whom the State selects as the best examples of its intelligence and capacity and integrity?

If the Senator from Connecticut [Mr. PLATT] were applied to, who would know better than the Senator from Connecticut the capacity or quality of a young man in Hartford or in Meriden or in New Haven? Either he is to be consulted, or his associates in the other House are to be asked, when such a man applies for service as a clerk, or as a man capable of managing 500 men in the canal digging, or as an engineer, or as an accountant—either the Senator and his associates have got to be consulted and give their opinion in such cases, or the Administration has got to establish all over the country a lot of private and unofficial irresponsible sources of information, as the Administration now does in some of the Southern States, where there are no representatives in either House of Congress of its political party.

I do not believe that the Senator from Maryland and the Senator from Connecticut will differ with me when I say that I do not think that method of procedure—perhaps the best the Administration could get—has worked very well in the South. If I were President of the United States, I should invite, in those Southern States which have not Republican Representatives, the confidence of the Senators and Representatives from those States, being quite certain that every one of them would not, in any advice so solicited, be governed by particular party or political feeling. I do not suppose, if a young engineer from Hartford or from Meriden, Conn., wanted to be employed on this canal and should apply to my friend from Connecticut, that he would care two cents whether he was a Republican or a Democrat.

Mr. PLATT of Connecticut. I certainly would not.

Mr. HOAR. The Senator from Connecticut says he certainly would not, and we all knew that before he said it.

Why, then, in every instance should Senators not be expected to give any Department such information as they have in this important matter? What we want to put an end to and to keep out of the public service—and we have got it out of the public service—is the old political chieftainship, if I may use that phrase; the making of the political executive officers in this country a band of retainers for political parties or ambitious politicians. If that could be completely accomplished, I do not think it would do any great harm if the Democratic party were to come into power. I do not think they ought to turn out the old and efficient public servants. I myself do not think—though I have been the most zealous of civil-service reformers from the very beginning and made one of the earliest speeches ever made in this country for that policy—I do not think it could do any great harm if the Democrats, in making new appointments, should select men whom they were willing to be responsible for in the administration of the public service, if it could be done fairly—fairly to the whole Democratic party; fairly to the whole community; fairly to those communities that are themselves Democratic. But what this civil-service reform is here for is what I have stated.

Mr. CLAY. Mr. President, if the Senator from Massachusetts will permit me, I think I thoroughly understood the Senator; and if I have, I agree with him.

Where a State is represented by an entire Democratic delegation, consisting of two Democratic Senators and an entire Democratic delegation in the House of Representatives, the Senator takes the position that in such cases, in his opinion, the party in power ought to advise with the Representatives and Senators from those States in regard to the character and fitness of appointees to office.

Mr. HOAR. Subject always to the correctness of the opinion, which I certainly entertain in regard to my associates here, that they would give that advice fairly and without regard to partisan considerations.

Mr. CLAY. Take, for illustration, the State of Georgia to-day, which, as I have said, has eleven Representatives in the other House and two Senators here. Those eleven Representatives and those two Senators represent the intelligence and the wealth of that State. I believe that the Constitution meant that the President should advise with the Senators before making appointments affecting the people in such States. I agree entirely with the distinguished Senator from Massachusetts on that point.

Mr. GORMAN. Mr. President, in what I have said I had no intention, and I am sure I did not convey the idea, of attacking the civil-service law or the regulations made by the Civil Service Commission and approved by the President, except to comment upon the fact that those regulations have been extended to various subordinate and minor places which have no earthly bearing upon the success of political parties.

The civil-service law giving power to the President to make rules and regulations which are to have the force of law has been used and exercised by him to an extent which was never contemplated, as suggested by the Senator from Massachusetts [Mr. HOAR], who was one of the original civil-service reformers.

But the President of the United States has seen proper—and he has undoubtedly the power—to apply the law to nearly every position, including the mechanics in the navy-yards and the subordinate places under the Interior Department. That has been a matter of very great hardship to that class of people.

Mr. LODGE. If the Senator will allow me a moment, do I understand him to say that the law has been extended under the present Administration?

Mr. GORMAN. It has been extended.

Mr. LODGE. I understood the Senator to say that it had been extended by the present President.

Mr. GORMAN. To some extent.

Mr. LODGE. The extension of the civil-service law to employees in the navy-yards was made under President Harrison.

Mr. GORMAN. Under President Cleveland the law was also extended.

Mr. LODGE. President Cleveland extended it to 40,000 places.

Mr. GORMAN. Unquestionably. The President is a civil-service reformer and a believer in that principle; and, Mr. President, under the present Administration the President has enforced the law rigorously, and, I take it for granted, he has done so fairly; but he has applied it to a great number of subordinate officers within the United States. When, however, the Administration comes to deal with officers who have been sent to the Philippines, men who are sent seven or eight thousand miles from our borders, to fill places in which men ought not to be influenced by political considerations, holding the highest positions in point of salary, and with enormous responsibility, the civil-service law has been, by order of the President of the United States, suspended, and men who are sent to the Philippines to occupy such places have not been required to pass civil-service examinations, and the Senator from Massachusetts says that they ought not to be used as political agents.

So far as my observation has gone—and I do not criticize the President of the United States for pursuing that course—of the officers under him or his Secretaries, there are very few officials of importance who are not members of his own party. Whether they were appointed by the influence of Representatives or Senators I know not, and I do not care. Selecting them, as he has, outside of the civil service, to have consulted with his party friends in Congress would not be amiss; on the contrary, I think, as the Senator from Massachusetts has well said, he may get good information from that source.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Connecticut?

Mr. GORMAN. I yield.

Mr. PLATT of Connecticut. May I inquire what officers the Senator from Maryland alluded to who were sent to the Philippine Islands as being exempted from the provisions of the civil-service law?

Mr. GORMAN. Nearly all of the civil officers.

Mr. LODGE. The Senator is entirely mistaken. The civil-service system there is more rigid than it is here.

Mr. GORMAN. In examinations?

Mr. LODGE. In appointments. There have been no appointments outside of the civil service, except those that came to the Senate for confirmation.

Mr. GORMAN. It has not been three days since an order was issued that the subordinate officers, the clerks, collectors, and others in various positions, should be granted an increased com-

pensation so long as they served in the Philippine Islands; and after service there—

Mr. LODGE. They are under the civil service when they go there.

Mr. GORMAN. They are not under the civil service by any means.

Mr. LODGE. Those were men who were under civil service when they went there.

Mr. GORMAN. No; they are not selected entirely from the civil service.

Mr. LODGE. Entirely.

Mr. GORMAN. Very few of them.

Mr. LODGE. The order applies only to those in the civil service, as I think the Senator will find.

Mr. GORMAN. The Senator and I differ about that. I happen to know quite a number of persons who have gone to the Philippines who never passed a civil-service examination. They served in Cuba without a civil-service examination, and also in Porto Rico.

Mr. LODGE. The men who served in Cuba and Porto Rico were all certified and put in the classified service—all those who were considered fit.

Mr. GORMAN. I have not the order here, but I have it in my office. If the Senator will read the order of the Secretary of War issued within a week, he will see that it provides that all officers who go to the Philippine Islands shall receive increased compensation, and that when they return to this country, if they are certified by their superior officer as having performed their duties well, they can come back here and be eligible for appointment in the Departments at a reduced compensation.

I think I can not be mistaken, that in no case has a different rule been applied. It is probably wisely so. I do not criticize the President for that; I simply call attention to the fact that in all the appointments to places connected with the construction of the isthmian canal, as I have just stated, the President does not think for a moment of requiring such an appointee to pass the civil-service examination in order to be appointed by that Commission. I think it is wisely so. I think it would be impossible for him to apply the civil-service rules in the construction of that canal from the appointment of engineers down.

If that be true there, Mr. President, why must a more rigid rule, one that amounts almost to exclusion, be applied in all these little subordinate places in the country?

It is said—and said with great force, I have no doubt—that under the old rule ships were ordered to be constructed in the navy-yards at certain times for the purpose of increasing the number of employees, and that political influence was used in many cases where these yards were located. I have no doubt there was great abuse in that, and I think, to a very great extent, the enforcement of the law has had a beneficial effect.

I would not undo it all, but as the Administration has found it necessary to abrogate the rule in the class of offices which I have named, I do say that it is time, in my judgment, that it ought to be revised here and some more definite and just provision made for such cases as are now under consideration. Congress ought not to be called upon to be constantly legislating about these small places to gratify some head of a Department.

Mr. PLATT of Connecticut. I do not wish to continue this discussion of the advantages or disadvantages to the Government and to the public service of the civil-service law and regulations. At the proper time I shall be quite willing to express my sentiments on that subject, but I know that the Senator in charge of this bill is very anxious to get on with it.

I simply want to say one word as to what I think would be the proper course to be pursued in the construction of the interoceanic canal. I think it has been put in the charge of the Panama Canal Commission to do this great work upon the same principles that would apply if a great transcontinental railroad was to be built by a private corporation from New York to San Francisco, if such a thing is possible to imagine. The construction of the Panama Canal is a great work and it ought to be pursued in the same way that a great work would be pursued by private enterprise. I should not expect that the president or the board of directors or the manager of such a great enterprise would inquire of me where he could find his engineers or his contractors or his book-keepers, nor should I think it was any portion of my duty to recommend them to him.

Mr. HOAR. I might ask the Senator if his next-door neighbor happens to have a son who is a bright young fellow, would he not give him a certificate if he asked for it?

Mr. PLATT of Connecticut. Very likely I would.

Mr. HOAR. That is all of it.

Mr. PLATT of Connecticut. But I want to say one thing. I have never asked a railroad company or any such establishment to appoint or employ a person in their service. If I did anything

of that kind, I would do it, not as a Senator, not as a politician, but as an individual. I have not done it for fear that it might be supposed that I was asking it because I was a Senator or a politician.

I think this Commission has got the greatest work of the ages to carry through, and unless it does it on the strictest business principles, without reference to Senators and politicians as to the men who are to be selected to do that work, they will be in infinite trouble and there will be infinite scandal.

So for one I hope that no recommendation made by any executive officer or any person connected with the legislative branch of the Government will have any influence whatever in appointments or selections of persons to be employed under that Commission. I may be entirely singular about this, but I wanted to express that sentiment.

Mr. LODGE. Mr. President, I do not want to discuss the well-worn subject of civil-service reform, as it is called, or the classified service. I think it has proved of enormous value, and I hope that there will be no recession in it; but I do want to correct what I believe is an error on the part of the Senator from Maryland [Mr. GORMAN].

The Philippine service has been placed, and was placed at the earliest possible time, by Governor Taft under a civil-service system of classification far stricter than anything we have had in this country within my knowledge. The men transferred to that service were transferred from the classified service here, and they were given an advance of pay because they served in the Tropics. Of course, on their return, they were eligible to the classified service from which they had been transferred, but at a lower rate of pay.

In the Cuban and Porto Rican service men were appointed during a temporary exigency that lasted in Cuba for three years, and they were certified by the governor-general, in the case of Cuba, to the Departments here—that is, their names were placed on the eligible list, they having been tested for three years by Government service, and those whom the officers in Cuba considered to be good clerks or good officers were certified by them and were given eligibility in that way. I am perfectly certain that in the Philippines, since the service has been fairly organized, there have been no appointments made outside the regular classified service, except, of course, those which come through the Senate, with its power of confirmation.

Mr. QUARLES. Mr. President, I believe there is nothing pending before the Senate.

The PRESIDING OFFICER. There are two amendments pending that have not yet been agreed to. One is the civil-service amendment.

Mr. PLATT of Connecticut. The point of order has been withdrawn on that amendment.

The PRESIDING OFFICER. The point of order has been withdrawn; and without objection, the amendment will be agreed to.

Mr. PLATT of Connecticut. Is there any other amendment?

Mr. STEWART. I do not suppose we can pass this bill to-night.

Mr. PATTERSON. Let us have an adjournment.

The PRESIDING OFFICER. The amendment last adopted completes the committee amendments.

Mr. McLAURIN. Mr. President, if the committee amendments have all been disposed of, I desire to offer an amendment.

Mr. STEWART. I think we had better adjourn; and I move that the Senate adjourn.

Mr. LODGE. I hope the Senator will let us have an executive session for a short time.

The PRESIDING OFFICER. Does the Senator from Nevada yield?

Mr. STEWART. I yield.

Mr. BEVERIDGE. Will the Senator from Nevada withhold his motion to adjourn?

The PRESIDING OFFICER. The Senator from Nevada has withdrawn his motion and has yielded to the Senator from Massachusetts [Mr. LODGE], as the Chair understands.

Mr. STEWART. There is no use going on further to-night with the bill.

Mr. BEVERIDGE. Will the Senator permit me to ask for the present consideration—

Mr. McLAURIN. I should like to know how I lost the floor? I believe I had the floor, Mr. President.

Mr. BEVERIDGE. I beg the Senator's pardon. I did not know he had the floor.

Mr. McLAURIN. I did have it, but I seem to have lost it.

Mr. BEVERIDGE. The Senator from Nevada [Mr. STEWART] seemed to have the floor and moved to adjourn and then withdrew that motion.

Mr. McLAURIN. The Chair recognized me.

The PRESIDING OFFICER. The Chair will of course recog-

nize the Senator from Mississippi; but he understood it to be the wish of the Senator in charge of the bill not to go on further with it to-night.

Mr. McLAURIN. I merely desire to offer an amendment to which the Senator in charge of the bill has said he has no objection. I should like to dispose of that amendment, because I may not be here in the morning.

The PRESIDING OFFICER. The amendment submitted by the Senator from Mississippi [Mr. McLAURIN] will be stated.

The SECRETARY. On page 41, after line 2, it is proposed to insert the following:

Any full-blood Mississippi Choctaw heretofore identified or entitled to identification under any application heretofore filed, who has removed or shall remove to the Choctaw-Chickasaw country within six months from the passage of this act, shall be entitled to all the rights of a full-blood Mississippi Choctaw.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. PLATT of Connecticut. I do not think that amendment ought to be adopted without the Senate knowing something about it and when it has never been submitted to the committee.

Mr. McLAURIN. I will state to the Senator from Connecticut that the Senator from Nevada in charge of the bill has seen the amendment and accepts it. At least, he said he would make no objection to it.

Mr. STEWART. I can not accept it, of course, so as to bind the Senate.

Mr. PLATT of Connecticut. This is a very important question.

Mr. STEWART. It is an important amendment, and I suggest that it be printed and go over until to-morrow.

Mr. McLAURIN. Mr. President—

Mr. CULLOM. If I can get the floor, I will move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 24, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 23, 1904.

UNITED STATES ATTORNEY.

Horace Speed, of Oklahoma, to be United States attorney for the Territory of Oklahoma. A reappointment, his term having expired January 16, 1904.

PROMOTIONS IN THE ARMY—CAVALRY ARM.

First Lieut. John C. Raymond, Sixth Cavalry, to be captain, March 21, 1904, vice Harrison, Second Cavalry, detailed as commissary.

Second Lieut. Douglas H. Jacobs, Fourteenth Cavalry, to be first lieutenant, March 21, 1904, vice Raymond, Sixth Cavalry, promoted.

PROMOTIONS IN THE NAVY.

Commander John M. Hawley to be a captain in the Navy from the 15th day of March, 1904, vice Capt. Theodore F. Jewell, promoted.

Lieut. Commander Frank F. Fletcher to be a commander in the Navy from the 12th day of March, 1904, vice Commander Charles E. Colahan, deceased.

Lieut. (Junior Grade) Ulysses S. Macy to be a lieutenant in the Navy from the 12th day of March, 1904, vice Lieut. Henry E. Parmenter, promoted.

Ensign Claude C. Block to be a lieutenant (junior grade) in the Navy from the 28th day of January, 1904, after having completed three years' service in his present grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 23, 1904.

POSTMASTER.

MICHIGAN.

William N. Lister to be postmaster at Ypsilanti, in the county of Washtenaw and State of Michigan.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 23, 1904.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

RETURN OF A BILL.

The SPEAKER laid before the House the following Senate resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 36) to reimburse John Waller, postmaster at Monticello, N. Y., for money expended in carrying the mail.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. OVERSTREET. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

Mr. REEDER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. REEDER. I understood, Mr. Speaker, that I was to have time this morning to present the matter of reconsideration called up yesterday.

The SPEAKER. The Chair is not informed of any such agreement. This is a highly privileged motion and in order.

Mr. REEDER. I do not want, Mr. Speaker, to put this off too long; but if I can have time to-morrow morning I shall be satisfied.

Mr. LACEY. Mr. Speaker, I do not want to make any agreement; but I understand the motion of the gentleman from Kansas, if it is in order at all, would be of the highest privilege—higher than that of a motion to go into Committee of the Whole.

The SPEAKER. The motion to reconsider is of the highest privilege, but after once entered it is a matter to be considered when it suits the House to reconsider it. The matter that the gentleman from Indiana calls up by his motion is of high privilege, and it is quite competent for the House to go on with that business, or it may refuse to go into Committee of the Whole House.

Mr. LACEY. Mr. Speaker, I want to enter my point of order on the motion to reconsider, that it is not in order under the rules of the House, and let it go over with the motion.

The SPEAKER. The Chair can not entertain any motion for other business until the motion made by the gentleman from Indiana is disposed of. The question is on the motion of the gentleman from Indiana, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

The question was taken; and on a division (demanded by Mr. WILLIAMS of Mississippi) there were—ayes 105, noes 92.

Mr. UNDERWOOD. I ask for the yeas and nays.

The question on ordering the yeas and nays was taken.

The SPEAKER. Thirty-four gentlemen have risen, not a sufficient number, and the motion of the gentleman from Indiana is agreed to.

POST-OFFICE APPROPRIATION BILL.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BOUTELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, and the Clerk will read.

The Clerk read as follows:

Inland mail transportation: For inland transportation by star routes, including temporary service to newly established offices, \$3,100,000: *Provided*, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor.

Mr. OVERSTREET. Mr. Chairman, I move to strike out, in line 11, page 14, the words "eight million one hundred thousand" and insert in lieu thereof "seven million eight hundred and fifty thousand."

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 11, page 14, strike out the words "eight million one hundred thousand" and insert in lieu thereof the words "seven million eight hundred and fifty thousand."

Mr. RIXEY. Mr. Chairman, I would like to ask the chairman of the committee a question or two. I would like to know whether the committee have taken any steps to require a better service in the star-route service?

Mr. OVERSTREET. Many efforts have been made in the past two or three years to require better service within the star-route

system. The limitation of bidders to residents on these various routes, as well as the requirements of the contractors to deliver and collect mail from the patrons of the star routes, are in line with the improved service. Both of these propositions have resulted in improved service, although they have naturally called for more expenditure.

Mr. RIXEY. I would like to cite, Mr. Chairman, one instance that came under my own observation. It was the case of a man who lived along one of the star routes, and he gave his mail to the contractor as he came by. The nearest postmaster complained that he was deprived of his revenue and urged a conspiracy by the patrons along the route to deprive him of the revenue. The Department at first refused to allow the carrier to take the mail, and it was only after an inspector had visited the neighborhood and reported that there was no conspiracy and after the Representative for that district had been put to a good deal of trouble that the matter was corrected. What I wish to know is why the Department did not give the man who lives along the star route an absolute right to put up his box and have the mail taken from it irrespective of the wishes or objections of the nearest postmaster?

Mr. OVERSTREET. That privilege is authorized and directed by the regulations of the Department. Wherever any patron residing along any star route will erect a box for the receipt of his mail a stipulation is entered into in each contract under the late administration that that box shall be recognized, and the contractor of the star-route service must deliver the individual mail for the patron into the box and collect mail as he may deposit in it.

Mr. RIXEY. That may be a regulation for the future, but I feel quite sure that it is not enforced now in all cases.

Mr. OVERSTREET. I do not know about the special instance referred to by the gentleman, but that is the regulation, as I understand it.

Mr. COWHERD rose.

Mr. OVERSTREET. I will yield to the gentleman from Missouri.

Mr. COWHERD. Is it not a fact that that stipulation is put into all the new contracts, but that there may be some old contracts which have not been relet since this order was put in force which do not contain it?

Mr. OVERSTREET. Quite right. Beginning with the last few years, as each route is advertised for anew, or any new service is inaugurated in the star service, that provision is inserted in the contract; and so far as the southern division, which was just let during the present year—during the past few weeks—is concerned, that provision was inserted in the advertisements, that all the contracts in that whole division must contain that stipulation. It is barely possible, as the gentleman from Missouri [Mr. COWHERD] has suggested, that the case cited by the gentleman from Virginia [Mr. RIXEY] may be under some of the old contracts, but the policy of the Department for the last few years is clearly in line with the suggestion I have made.

Mr. RIXEY. Will the chairman of the committee state what is the difference in the service furnished by the star-route service and that furnished by the rural free-delivery service?

Mr. OVERSTREET. The rural free delivery?

Mr. RIXEY. Yes.

Mr. OVERSTREET. The only difference is that the star-route contractor has no authority relative to registry and money-order service, and also the sale of stamps, while the rural free-delivery carrier does exercise that authority.

Mr. RIXEY. I will ask the chairman of the committee, for information, if it would not be well to extend that privilege also to the star-route service?

Mr. OVERSTREET. That is a matter for consideration, perhaps, but that has not been taken up at this session.

Mr. RIXEY. Then, I would like to ask the gentleman this further question as to why there should be so much difference in the pay of the two services?

Mr. GRIGGS. Oh, that is easy.

Mr. RIXEY. Now, we have heard a good deal about the desirability of increasing the pay of the rural free-delivery carriers.

Mr. GRIGGS. I will answer that, if the Chairman will permit me.

Mr. RIXEY. But we have heard nothing about increasing the pay for the contract service or for requiring better service.

Mr. GRIGGS. Mr. Chairman, I will answer my friend from Virginia as to that.

Mr. OVERSTREET. I yield to the gentleman from Georgia.

Mr. GRIGGS. Two years ago the Post-Office Committee brought in a bill endeavoring to put the rural free-delivery service under the contract system. That is the system under which all star routes are let. The lowest bidder for a star route secures a contract and performs a service. Under the rural free-delivery service there has grown up a vast political machine, and the Gov-

ernment must pay, it seems, whatever salaries may be demanded by these organizations.

Mr. RIXEY. Will the gentleman allow me to ask this question: Does he see any great reason why these two services should be under a different system?

Mr. GRIGGS. I did not two years ago, but this House almost unanimously did, and voted us down.

Mr. RIXEY. Does the gentleman believe there is any reason why there should be so much difference in pay?

Mr. GRIGGS. None whatever.

Mr. RIXEY. Because I understood the gentleman from Missouri [Mr. COWHERD] the other day to state that the star-route carrier, for practically the same service, only gets something over \$400, whereas—

Mr. GRIGGS. An average of \$400.

Mr. COWHERD. He gets \$400 on an average of a 20-mile route, and that has been increased, so the Second Assistant states, by reason of our increase in the pay of the rural carrier.

Mr. RIXEY. Then, Mr. Chairman, I believe I will offer an amendment to the pending section.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. RIXEY. I will ask to be recognized after that amendment is voted on.

The CHAIRMAN. The question before the committee is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. MADDOX. Mr. Chairman, I would like to make a few remarks on this subject which has just been discussed and make an answer myself in regard to this matter of rural free-delivery and star-route service. I want to say that I have for some time, whenever an opportunity has afforded itself, attacked the method and manner by which these star routes were let by the Post-Office Department. Now, it is true that until we established this rural free-delivery service and put it in operation there was no amendment nor any effort on the part of the Department which let out the star-route contracts to better that service in any sense of the word, nor have they ever made any effort until the rural service became permanent.

Gentlemen who were here four years ago remember that when we had the postal laws up for consideration, when an attempt was made to pass new laws to regulate the postal service, it was then suggested and also insisted even to the very last minute by the then chairman of the Post-Office Committee that the Second Assistant had no authority to do what he is doing to-day. If he has the authority now, he had it twenty years ago, and there was no effort upon the part of this Department to better the service in this country until the rural service was put into operation, and, in fact, developed all over the country. Then they began to see a way by which they could better the service. That is how it came about exactly. It was insisted then that if you proposed to let these rural routes out by contract they will be exactly where they were, as I insisted, four years ago and five years ago, and if you do it now you will soon be running mail routes with a one-eyed mule, as I said at one time, or a Texas pony hitched to one of these "jump-gulleys" all over the country with the United States mail; and there is not a Representative in this House who would admit, if he was in company with a foreigner, that that turnout was carrying the United States mail. That is exactly what we will get back to if you propose to put it under the contract system.

That is what it means. The difference that the gentleman is inquiring about is that up to a few years ago any man in this country could go and take contracts for thousands of routes all over the country and then go and sublet them, and that subcontractor could sublet his contract, until absolutely in our section of the country it got down to where a man would take a route of 20 or 25 miles and carry the mail on his back. That is the kind of service we had, and the rural service being forced upon this Department, the Second Assistant has discovered under this system a better way. If he had done what he ought to have done five years ago or ten years ago, I dare say the rural-route service would never have been heard of.

Mr. CROMER. Mr. Chairman, I can not understand why this item should increase so rapidly in the appropriation bill. According to the report of the committee I see that since 1891 this appropriation has increased 55 per cent, and yet the rural free-delivery service is displacing star routes all over the country very rapidly. It seems to me that the amendment of the chairman of this committee [Mr. OVERSTREET] ought to have gone much further, inasmuch as the bill proposes to appropriate \$1,400,000 more than was appropriated last year, being 17 per cent increase. This effort on the part of the Department to popularize the star-route service is for the purpose of antagonizing rural free delivery.

Mr. LIVINGSTON. That is all there is in it.

Mr. CROMER. Instructions have recently been sent to special agents in my State that, in laying out rural free-delivery routes,

whenever a special agent of rural free delivery comes to a road on which there is a star-route carrier the rural free-delivery service shall not be established on that road. For years and years this star-route service was carried on by very incapable agents driving blind mules through the country, a disgrace to our Government; but since the inauguration of rural free delivery the Department has seen fit to undertake to improve the service at the expense of the Government. I am in favor of reducing this appropriation much more than has been suggested by the chairman of the committee.

Mr. MONDELL. Mr. Chairman, I do not rise to oppose the reduction in the appropriation, because I assume that the chairman of the committee has taken into consideration all the conditions existing and has concluded that the reduction can be made without detriment to the service, but I wish very briefly to reply to some of the statements made by the gentleman from Indiana [Mr. CROMER]. Evidently the gentleman, happy and content, as he is and ought to be, with the extension of the magnificent rural free-delivery service in his district, forgets that there are vast areas in this country where it is utterly impossible, under present conditions or under the conditions which will exist for many years, to establish rural free-delivery routes.

Mr. LIVINGSTON. Why is that? Let the House know why.

Mr. MONDELL. Because there is a very large proportion of our country so thinly and sparsely populated that it is impossible to get a population large enough within a given area to provide for the establishment of rural free delivery.

Mr. LIVINGSTON. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Georgia?

Mr. LIVINGSTON. Just one other question. If that is true as to rural free delivery, why should it not hold good as to the star-route delivery?

Mr. MONDELL. Well, I assume that the gentleman would not deprive citizens of the United States of the right and privilege to obtain mail because perchance the country in which they live is not fully developed or the conditions are such that it is impossible to settle the country thickly.

Mr. LIVINGSTON. Then, why not give them the better mail service, even if the country is thinly settled?

Mr. MONDELL. They are receiving very fair service through the star-route system and hope to get better.

Mr. LIVINGSTON. It is only very recently that that is true, then.

Mr. MONDELL. The star-route service has been wonderfully improved in the last few years. That improvement has led to an increase in the cost of the service; and I want to call the gentleman's attention to the reasons for the increase in the cost of that service. He seems to be surprised that there should be an increase.

There has been an increase, first, because the western country is settling and developing and additional star routes are required. It is increasing because it has been necessary to make considerable expenditure for the establishment and the extension of star routes in Alaska. It has been increased further because the service has been vastly bettered, and the service should be still further improved. I do not think it is fair for a gentleman who has in his district the benefits of rural free delivery to say that improvements in the star-route service should not be had, because it may prevent the extension of rural free delivery. It certainly should not and does not have that effect.

Formerly star routes were carried very largely by syndicate bidders. Their methods were peculiar. They resulted in saving to the Government; but in very poor service to the people. The Second Assistant Postmaster-General, in order to remedy that condition of subletting and resubletting, made certain provisions with regard to the contracts, which have resulted in routes being carried by people living in the vicinity, who give their personal attention to the carrying of the mails. This has resulted in better service. It has also increased somewhat the cost of the service.

Mr. CROMER. Will the gentleman allow me a moment?

Mr. MONDELL. I am very glad to yield.

Mr. CROMER. Are these routes now let to the individuals who carry the mail, or are they let to contractors here in Washington, who sublet to the men who do the carrying?

Mr. MONDELL. No bids are received for the carrying of mail on star routes unless the bidder submits with his bid a statement that he is a resident of the vicinity—I forget just the exact language, but this is what it amounts to—that he is a resident of the vicinity over which the star route runs or that he will move to the vicinity if he receives the contract, and will give the carrying of the mail his personal attention. This has resulted in breaking up very largely, almost entirely, the old syndicate system, which was certainly very objectionable.

Mr. CROMER. Does the gentleman know why it is that the

committee, after reporting this bill, come in here and propose to reduce the appropriation \$300,000?

Mr. OVERSTREET. I expect to explain that matter as soon as I get the floor.

Mr. MONDELL. I assume that the committee has no disposition to injure this service, and that the chairman of the committee understands that the service can be carried on under the reduced appropriation. Therefore I do not propose to object to the reduction.

[Here the hammer fell.]

Mr. KLUTTZ obtained the floor.

Mr. OVERSTREET rose.

The CHAIRMAN. For what purpose does the gentleman from Indiana [Mr. OVERSTREET] rise?

Mr. OVERSTREET. I was seeking the floor in my own right.

The CHAIRMAN. The gentleman from North Carolina [Mr. KLUTTZ] has been recognized.

Mr. KLUTTZ. Mr. Chairman, in reference to the remarks of the gentleman from Georgia [Mr. MADDOX], and in justice to the bureau of the Second Assistant Postmaster-General, I want to say that the star-route box system was first tried as an experiment, as I recollect, in South Carolina about five years ago. It was done largely upon the initiative and the insistence of a gentleman now dead, who was then a faithful Representative of that State, Doctor Stokes, whom all of us who were then in the House well remember.

The system was tried there as an experiment, and it succeeded so well and gave such satisfaction to the public that since that time, in letting contracts in the different States (and they are let by divisions of the States every four years), the advertisements have been so written that the bidding for the star-route contracts has been with the distinct understanding that the persons performing the duty under these contracts should take the mail from the boxes and deliver it to the boxes of patrons of the route. In recent years, since that time, the star-route contracts which have been let ad interim in North Carolina have been let on that system, and it has given most excellent satisfaction to our people. The contracts in that State and the adjoining States have all been let to take effect on the 1st of July of this year upon that system. In remote sections of the country it has some advantages over the rural free-delivery system.

For instance, in the mountain section of my State, where the conditions of the roads and the unbridged streams and the paucity of the population do not justify in many instances the introduction of the rural free delivery, this star-route box system comes in and, to a great extent, performs the service which would be rendered by the free-delivery system. In some respects it has an advantage over that system, because the rural carrier travels over the route one way going and another way coming, while, as a rule, the star-route carrier goes and comes on the same route on the same day, so that letters can be received in the morning and answered in the afternoon by the patrons of the star route, the principal difference between the operation of the two systems being, in the first place, that the patron on the star route is not required to furnish any particular kind of box, but can put up any box that he chooses, and, in the second place, the star-route carrier is not required to sell postage stamps, money orders, or anything of that kind.

I merely say this in justice to the Department, which has been experimenting faithfully with this system, and now, I think, has it in such condition that it is likely to do great service to the country.

Mr. MADDOX. The gentleman has misunderstood the point I was trying to make. I was about to say that even in my State this contract business did not begin until last year.

Mr. KLUTTZ. That was the first four years' letting after the system was adopted.

Mr. MADDOX. My contention is that if there had been done what ought to have been done by the Second Assistant Postmaster-General—and there has been no change of the law—this system could have been adopted fifteen years ago just as well as recently.

Mr. KLUTTZ. If the gentleman from Georgia or myself or any other Member desiring the introduction of this system in his district had been as diligent as was Doctor Stokes, of South Carolina, in bringing the matter to the attention of the Department it would probably have been adopted long ago.

Mr. OVERSTREET. Mr. Chairman, just a word in explanation of the amendment which proposes to reduce the amount of the appropriation carried in the bill. After the bill had been reported the committee learned, or rather I learned officially as chairman of the committee, that the bids for star routes in the southern section had very largely been opened and the prices for that service proved to be lower than the Department had expected.

I have a letter from the Acting Second Assistant Postmaster-General explaining that inasmuch as a large proportion of these bids have been opened, showing that they had overestimated, he

recommends this reduction. This reduction is, therefore, not in conflict with any service now inaugurated, nor is it under the estimate of the Department revised in this letter concerning the southern section which has just been relet at an average increased cost of a little over 56 per cent of the last contract of four years ago.

Mr. Chairman, I ask that the letter be read in my time in explanation of this amendment.

The Clerk read as follows:

STAR SERVICE.

POST-OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, March 22, 1904.

SIR: Receipt is acknowledged of your letter of 21st instant, asking whether any reduction can be made in our original estimate for the transportation of mail by star routes by reason of the later information obtained in opening the bids for reletting of the four-year contracts in what is known as the "second contract section," including eight Southern States and Porto Rico; and also whether any further reduction can be made on account of probable discontinuance of star service as a result of the additional amount allowed for rural free-delivery service in the urgent deficiency bill.

In reply I have to say that in submitting the original figures for star routes for the next fiscal year it was estimated that in reletting the service in the southern section the cost would probably be increased from the old rate of 3½ cents per mile traveled to 6½ cents per mile traveled, owing to the new contracts providing for box delivery and collection service not included in the old contracts, and because of the higher rates now prevailing as compared with four years ago. This rate of increase was about 85 per cent.

We have not yet completed the reletting in the Southern States, but we have awarded 4,451 contracts at an average rate of 5.49 cents per mile traveled, an increase of about 57 per cent. We have not determined the exact number of routes yet to provide for in this section, but there will be approximately something over 400 such routes, and it is certain that the rate per mile for these routes will exceed the average of those already let, because on these routes no satisfactory bids were received under the first advertisement.

I would therefore now estimate that the rate per mile for service in the entire southern section under the new contracts will be 5.60 cents, or an increase of 60 per cent. On this basis I am now willing to say that the original estimate, \$8,100,000, for star service may be reduced by \$250,000, making the revised estimate for the next fiscal year \$7,850,000. I believe it would not be safe to assume that there will be any larger rate of decrease in star service by reason of establishment of rural free-delivery service under the allowance made in the urgent deficiency bill than has obtained thus far during the current fiscal year, which rate of increase has been taken into consideration in these figures.

Very respectfully,

G. F. STONE,

Acting Second Assistant Postmaster-General.

HON. JESSE OVERSTREET,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

Mr. OVERSTREET. Mr. Chairman, I now move that all debate on this paragraph and all amendments thereto be closed.

Mr. RIXEY. I submit to the Chairman that I have an amendment that I desire to offer, and I would like to explain it.

Mr. OVERSTREET. This will not prevent the amendment from being offered and acted upon.

Mr. RIXEY. I would like to explain it, which I will do in less than five minutes.

Mr. OVERSTREET. Then I move that after five minutes all debate on this paragraph and amendments thereto be closed.

The CHAIRMAN. The gentleman from Indiana moves that all debate on the paragraph and amendments thereto be closed in five minutes.

The question was taken; and the motion was agreed to.

Mr. OVERSTREET. I yield four minutes to the gentleman from Virginia.

Mr. RIXEY. I offer this amendment, to be acted upon as soon as the amendment of the gentleman from Indiana is disposed of.

The Clerk read as follows:

Insert after the word "dollars," in line 11, the following:

"Provided, That no part of this appropriation shall be used for transportation on any star route which does not give as good service to the patrons along said route as is required to be furnished in rural free-delivery service."

Mr. OVERSTREET. I reserve the point of order on that.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. RIXEY. Mr. Chairman, I do not suppose that it is necessary to discuss the point of order. If it is, I would like to be heard later on as to that. I want to give the reasons for the amendment first. As was stated a few moments ago, the star-route service can not be superseded in a great portion of the country by the rural free-delivery service. In the district I represent four of the ten counties have no rural free delivery, and the people do not seem to wish it. They are satisfied with the star-route service, but they wish to have the advantages and conveniences coming from the rural free deliveries. Now, the star-route service is much less expensive than rural free delivery; and why not give to the patrons of that service the same benefit, the same advantages, that the patrons of the rural free delivery have?

There are many objections in some cases to the free-delivery service. The carrier has to have 20 miles, and many of the patrons can not get their mail until late in the evening of the day in which the mail is delivered, whereas under the star-route service the people frequently get their mail hours before they would under the other service. Again, the star-route carrier travels each way

over the same road. It seems to me, Mr. Chairman, it is nothing but a reasonable concession to the people who are satisfied with the star-route service, which costs the Government so much less than the rural free delivery, to give them the best service that can be secured. Let the patrons on the star routes have the same conveniences as to delivery and collection of mail, sale of stamps, and registration of mail matter as now provided on the rural free-delivery routes, and still that service will cost the Government much less than the other.

Mr. OVERSTREET. Just a word. I think that the amendment is clearly subject to the point of order for the reason that this appropriation is for contracts already made, almost entirely. There would be a limited per cent of it used that would not go to contracts already made. The contracts already made contain no provision authorizing the star-route carrier to sell stamps, to sell money orders, or to receive and deliver registered mail. The rural-delivery carriers are Government employees who give bond for their services and exercise duties imposed by the Government. The regulations provide for the rural-delivery carrier to sell money orders and deliver registered mail and sell stamps.

If, therefore, this amendment should prevail, it would give authority to the many thousand star-route contractors now under contract to sell stamps, to sell money orders, to receive and deliver registered mail without any provision in their bond already given concerning those duties. That argument applies not only to the point of order, but equally well to the suggestion of the amendment itself upon its merits. Whatever may be done in the future concerning the enlargement of the privileges and authority of star-route contractors is a matter for more deliberate consideration than we can give to this amendment at this point, and it ought not to prevail in any event.

Mr. RIXEY. Mr. Chairman—

The CHAIRMAN. Debate upon the paragraph and pending amendments is closed.

Mr. RIXEY. I would like to be heard on the point of order.

The CHAIRMAN. The Chair will first put the question on the amendment of the gentleman from Indiana. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Virginia. The Clerk will, without objection, again report the amendment offered by the gentleman from Virginia.

The amendment was again reported.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Virginia on the point of order made by the gentleman from Indiana.

Mr. RIXEY. Mr. Chairman, I understand the gentleman from Indiana to rest his point of order largely upon the fact that a portion of this money was to be used on the route for which contract had already been let. I do not consider that that objection is a good reason for sustaining the point of order, but I would not care to offer an amendment which would not allow pay on the routes for which contracts have already been let, and I will therefore ask to modify the amendment by inserting after the words "star route" the words "contract for which shall be hereafter let."

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to modify his amendment, and the Clerk will report the addition.

The Clerk read as follows:

Insert after the words "star route" the words "the contract for which shall be hereafter let and;" so that it will read "used for transportation on any star route the contract for which shall be hereafter let, and which does not give as good service," etc.

Mr. OVERSTREET. I renew the point of order and suggest to the Chair that that is absolutely new law.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For mail-messenger service, \$1,200,000.

Mr. SNAPP. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 14, line —, after the word "dollars," insert the following:

"And for the performance of this service in the city of Chicago by underground electric cars, \$100,000: *Provided*, That no part of this appropriation shall be used unless the Postmaster-General shall so decide, after satisfactory preliminary trial, and the service can be performed at a cost not exceeding that of an efficient wagon service between the same points.

Mr. SNAPP. Mr. Chairman, as explanatory of the amendment, I desire to have two letters—one from the Postmaster-General, the other from the Fourth Assistant Postmaster-General—reported by the Clerk.

The CHAIRMAN. The Clerk will read the letters in the time of the gentleman from Illinois.

The Clerk read as follows:

CHICAGO TUNNEL SERVICE.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 24, 1904.

Hon. JESSE OVERSTREET,

Chairman Committee on the Post-Office and Post-Roads,

House of Representatives.

SIR: I hand you herewith copy of letter from the Second Assistant Postmaster-General, addressed to me, with reference to the conditions of the mail-transportation service in the city of Chicago, Ill., and recommending that Congress be asked to make provision, in connection with the appropriation for mail-messenger service in the pending post-office appropriation bill, for the authorization of service by the underground-tunnel system.

The recommendation as set forth in the letter referred to meets with my approval, and I have the honor to request that your committee incorporate in said bill a suitable provision to carry the same into effect.

Very respectfully,

H. C. PAYNE, Postmaster-General.

SECOND ASSISTANT POSTMASTER-GENERAL,
DIVISION OF RAILWAY ADJUSTMENT,
Washington, February 24, 1904.

SIR: The conditions of the mail-transportation service in the city of Chicago, resulting from the magnitude of the mail matter arriving and departing at the several stations, in connection with the rapid growth of all other traffic, the limited platform space and narrow streets at most of the stations causing serious congestion and aggravating delays in handling mails, the busy thoroughfares around the new post-office building, and the limited facilities for approaching it and leaving it with heavy wagons, suggested a thorough investigation as to whether relief might be secured by certain proposed changes in the building and by the use of the underground-tunnel system, which is soon to be opened for public use, connecting all railway stations and intersecting many of the principal streets of the city, operating 40 feet beneath the surface, crossing under the bed of the river at several points, and proposing to compete with surface electric lines and with transfer companies in the carriage of merchandise and parcels.

The joint committee representing this office and the office of the First Assistant Postmaster-General, which you appointed at my request and which has visited Chicago, spending several days in conference with local post-office officials and with a representative of the Treasury Department, has submitted its report to the effect that the underground-tunnel system, by reason of the substantial character of the construction of the tunnels, the completeness of its equipment, its operation by the positive third-rail electric system, with a thorough block and signal apparatus soon to be provided, gives promise of a very satisfactory method of handling bulk mail and relieving the surface congestion, the committee stating further that its inquiries develop the fact that the tunnel company expects to do a business for the public at rates no greater than would necessarily be paid for like efficiency of service by other transfer companies.

The committee unanimously recommend, among other relief measures which meet my approval, that Congress be asked to incorporate in the pending post-office appropriation bill, in connection with the appropriation for mail-messenger service, a clause authorizing the Postmaster-General to arrange for a preliminary test of the tunnel system, and, in the event of such test demonstrating that the system can be satisfactorily used for mail purposes, to make a contract with the company operating the underground-tunnel system in the city of Chicago for the transportation of the mails between the several railway stations, and between the stations and the new city post-office, at a compensation deemed reasonable, not to exceed the probable cost of an efficient wagon service between the same points, covering the remainder of the contract term. To effectuate this purpose the messenger appropriation should be increased in the sum of \$100,000.

Very respectfully,

W. S. SHALENBERGER,
Second Assistant Postmaster-General.

To the POSTMASTER-GENERAL.

Mr. SNAPP. Mr. Chairman, the hearings before the Post-Office Committee developed these facts—that a vast amount of mail in the city of Chicago is now being transferred between the several railroad stations and the main post-office and the substations by what is called the "screen-wagon" service. It also demonstrated the fact that of all the mail entering the city of Chicago 60 per cent of it is what is called "transit" mail and 40 per cent of it is local mail—that is, the 60 per cent called "transit" mail is mail destined to other points north, east, south, and west of the city of Chicago, and that 40 per cent of it is mail arriving and departing from Chicago and local mail. It demonstrated also that the present screen-wagon service of the city of Chicago is extremely inadequate for the purpose of transferring this mail. The result is that there is great loss of time and delay of mail, extending sometimes to as much as twenty-four hours' delay in the transfer of this through mail from the East to the West.

The hearings also developed this fact—that there has been constructed in the city of Chicago an underground tunnel system covering or underlying all of the business streets of the city of Chicago. It is an electric line commonly called the "third-rail" system, thoroughly equipped, as is reported upon by the Assistant Postmaster-General. This tunnel company have made a proposition to the Post-Office Department for the transfer of this mail at the city of Chicago. This matter was taken up before the Post-Office Committee, and after the facts that I have enumerated were developed a commission was appointed by the Postmaster-General, and after a full investigation, as the committee will see by the report just read to them, the Postmaster-General and the Second Assistant Postmaster-General have recommended that this appropriation be increased \$100,000 for the purpose of permitting the Department to enter into a contract with this tunnel company if after a preliminary test the system shall be found sufficient for this purpose.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for five minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Illinois be allowed to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SNAPP. Mr. Chairman, I yield to a question from anyone who desires to ask one.

Mr. FINLEY. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. SNAPP. Certainly.

Mr. FINLEY. As I understood the gentleman's amendment—I may not have heard it read correctly—it proposes an increase of \$100,000 for this particular underground electric service. Am I correct in that?

Mr. SNAPP. Yes, sir.

Mr. FINLEY. Now, I would ask the gentleman this question: Will not the effect of his amendment increase the cost of the service at Chicago? Will not that be the effect of it?

Mr. SNAPP. Yes; the effect will be to increase the cost at Chicago; otherwise it would not be necessary to increase this appropriation.

Mr. FINLEY. The service, as I remember, is being performed for about \$106,000.

Mr. SNAPP. It will result in decreasing the wagon service now in existence, although it will not do away with it wholly.

Mr. FINLEY. It will be necessary to perform part of the service by wagon?

Mr. SNAPP. It will be necessary to perform a small part of the service by the present screen-wagon service, but the most of it will be abolished.

Mr. MANN. Will my colleague yield to me?

Mr. SNAPP. Certainly.

Mr. MANN. My colleague from Illinois has fully explained the situation, but I might say, partly in response to the question of the gentleman from South Carolina [Mr. FINLEY], that under the appropriation law as it now stands the Post-Office Department is not authorized to let any contracts for tunnel service whatever. The purpose of the amendment, while it increases the appropriation somewhat, is more for the purpose of authorizing the Department to use this service in case it proves the most practical service. The proposition which has been submitted by the tunnel company was that the service shall be performed twice as quickly as it is now supposed to be performed by wagon service on the top of the street.

As I say, the tunnel company did not submit the proposition on its own motion, but it was urged upon them that they make a proposition. As a matter of fact, the wagon service is not only delayed more or less in the street, but the wagon service is delayed at the depots.

Mr. COOPER of Pennsylvania. Will the gentleman allow me a question?

Mr. MANN. Certainly.

Mr. COOPER of Pennsylvania. Why should this new system cost so much more money than the present system?

Mr. MANN. The provision of the amendment is that no contract shall be let to the tunnel company at a greater cost than that of an efficient wagon service.

Mr. COOPER of Pennsylvania. What reduction will be made in the cost of the wagon service?

Mr. MANN. If this proposition is carried through, if it is let to the tunnel company, the wagon service will be done away with as far as the transfer of mail is concerned between the railway stations and the post-office and the railway stations.

Mr. COOPER of Pennsylvania. What will be the net additional cost to the Government by the installment of the new service?

Mr. MANN. The provision of the amendment is that there shall be no net increase of cost. Under the present law they can not let a contract to the tunnel company. Under the present law the tunnel company could not take a contract for experiment. The people who had the wagon service in Chicago were willing to have the tunnel company make the experiment at their cost if they could be paid what they are now receiving, but the Department held that an appropriation for a screen-wagon service could not be used for carrying mail by tunnel, although it might be carried twice as quick.

Mr. COOPER of Pennsylvania. I understand that; but what I want to know is if this new system was installed and the old system put out what would be the net additional cost to the Government?

Mr. MANN. I will say frankly to the gentleman that I doubt very much whether, under the amendment, the tunnel service

will ever be utilized. The amendment provides that the tunnel service shall cost no more than an efficient wagon service will cost and they must carry it twice as quickly. Whether it will ever be possible to get the tunnel company to carry the mails between the stations in one-half the time and do it for the same cost I do not know, but certainly there is no objection to trying the experiment.

Mr. MOON of Tennessee. Will the gentleman yield to me?

Mr. MANN. Certainly.

Mr. MOON of Tennessee. I did not understand the situation. My impression was that the amendment offered was under the mail-messenger service. The gentleman must be wrong in stating that the provision in the bill is that there would be no more cost to this than to the screen-wagon service.

Mr. MANN. The provision in the amendment is that it shall cost no more.

Mr. MOON of Tennessee. Is that in the amendment?

Mr. MANN. That is the provision in the amendment offered by the gentleman from Illinois.

Mr. MOON of Tennessee. I want to ask the gentleman a further question. Why not let the matter be considered under the clause provided in the bill, the clause below?

Mr. OVERSTREET. If the gentleman will permit me, I will explain that. Now, Mr. Chairman, under the present law the mails are carried from the stations in cities from railways and post-offices outside of the 80-rod limit, which Members are familiar with, under what is known as the "mail-messenger law," which gives authority to the Department to contract for carrying of the mail by messenger by screen-wagon transfer. There is absolutely no authority of law which would permit the carrying of mails between stations and post-offices by underground system of railroads. The Department and the committee have had their attention called to the congestion of mail in the city of Chicago. We had demonstrated here a few days ago the needs of the great city of New York, which we sought to remedy, and which was remedied in a different way, because the need was in a different way. In this instance the congestion comes in the transit of the mail across the city.

Mr. MOON of Tennessee. Do I understand that the gentleman favors the amendment offered by the gentleman from Illinois?

Mr. OVERSTREET. Rather than the proviso, for the reason that when we put the proviso in under the screen-wagon service the commission, to which the gentleman from Illinois [Mr. MANN] referred, had not reported. After that proviso was put in the following section on the bottom of page 14, under the head of "Regulation screen-wagon service," this commission did report, and the letters from the Postmaster-General and the Second Assistant, read from the Clerk's desk a few moments ago, were transmitted to me. That letter of the Postmaster-General calls attention to the investigation of this situation at Chicago and recommended an amendment which would give that relief. The letter of the Second Assistant calls attention to the advisability of the provision coming in under the mail-messenger service rather than the screen-wagon service.

Mr. MOON of Tennessee. Mr. Chairman, that is what we want to know. What is the reason for that?

Mr. OVERSTREET. The reason of that is that it comes, according to a statement contained in the letter, which I think explains it, more properly under that item, because it is a system of transmission, while the regulation wagon service relates entirely to wagon service. This relief would be given by way of the underground system, whereas the wagon-service appropriation is specifically for wagon service.

Mr. MOON of Tennessee. Then it is not contemplated to do away with the wagon service at all?

Mr. OVERSTREET. Oh, it would do away with the wagon service if the Postmaster-General should effect proper negotiations—just as in the New York case, if they should succeed in the effort to contract with the New York Central Railroad at New York City it would do away with the renting of the present station and the use of the transmission of the mail between the station and the railroad.

Mr. MOON of Tennessee. I understand it might possibly do away in the administration, if that view were taken, but it would not do so by operation of law. You have the law left here providing for the wagon service. Is it the purpose of the chairman of the committee to move to strike out that provision of the law?

Mr. OVERSTREET. Oh, certainly, that provision will have to be stricken out when it is reached. It is just in line directly with the effort made a few days ago to afford relief to a condition in the great city of New York of a different character. Here at Chicago, by reason of the lay of the land, and the lake, and the river, and the drawbridges, traffic in the streets is so congested that it interferes with the transit of mail across town. The underground service will avoid all of that congestion, and according

to the statements made by the tunnel company itself and according to other information the purpose of it is to increase the speed of the delivery, as well as to avoid the interference of the congestion of the street.

Mr. FINLEY rose.

The CHAIRMAN. Does the gentleman yield?

Mr. OVERSTREET. I yield to the gentleman.

Mr. FINLEY. Will this amendment not have the effect of largely superseding this screen-wagon service performed by contract?

Mr. OVERSTREET. I should think so.

Mr. FINLEY. Is not this true, that at present that service is being performed under contract, and the contractor having failed, this screen-wagon service is being performed by the sureties on the bond of the contractor, and at a loss? Is not that true?

Mr. OVERSTREET. I do not know about that. It is being performed by a contractor.

Mr. FINLEY. Is it being performed by the sureties of the contractor?

Mr. OVERSTREET. That I do not know. I understand it is.

Mr. MANN. Mr. Chairman, I can answer the gentleman without hesitation.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. OVERSTREET. Yes.

Mr. MANN. I say, Mr. Chairman, without question, so far as my information goes, and I think it goes far enough to make the statement, that the surety company carrying out the contract is carrying it out at a loss; but that is the only thing that could possibly operate against this proposition. That matter has been most carefully considered.

Mr. OVERSTREET. This has been considered purely on its merits as to an increase of benefits to the service.

Mr. FINLEY. At present the Government has a contract which is being carried out.

Mr. OVERSTREET. Yes, exactly; just as the Government today has in regard to station H in New York City.

Mr. FINLEY. Is it not true that the contract with the Government calls for an efficient screen-wagon service?

Mr. OVERSTREET. I am not familiar with the law.

Mr. MANN. I will say, Mr. Chairman, that while the contract calls for that, under the present system it is impossible for the contractor to give efficient service because he can not get his wagons into the depots sometimes within an hour of the time they should go in on account of the congestion of the depots. He can not get the mail out of the depots without getting his wagons in, and it is an impossibility for him to perform that service. I do not think the contractor will get out of his contract without a loss by any proposition carried here.

Mr. SNAPP. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be now closed.

Mr. FINLEY. There has been no debate in opposition to the amendment. I wish to be recognized on that side of the question.

Mr. SNAPP. Very well.

The CHAIRMAN. The gentleman from Illinois [Mr. SNAPP] withdraws his motion; and the gentleman from South Carolina [Mr. FINLEY] is recognized for five minutes.

Mr. FINLEY. Mr. Chairman, I think the amendment offered by the gentleman from Illinois should not prevail. The Committee on the Post-Office and Post-Roads went over this matter carefully and placed in the bill this provision:

For regulation, screen, or other wagon service, \$1,133,000: *Provided*, That the Postmaster-General may, in his discretion, contract for the performance of this service in the city of Chicago by underground electric cars and wagons at a sum not exceeding the present cost of this service in that city.

Mr. Chairman, the Government now has a contract, which has some time yet to run—more than two years, as I recollect—with a party, having a surety company on his bond, for the performance of this wagon service in the city of Chicago. The party having failed to perform the service, his sureties are now carrying out the contract at a very considerable loss. The effect of this amendment, if carried, will be to relieve the party now performing that service. Now, I ask the committee—

Mr. MADDOX. Does not the gentleman think that this amendment was subject to a point of order when it was offered?

Mr. FINLEY. I was not paying any attention to that.

Mr. MADDOX. We have a very diligent committee in making points of order upon amendments not coming from the committee. I am satisfied that this amendment was clearly out of order, but nobody rose to make the point.

Mr. COWHERD. Why did not the gentleman make it?

Mr. FINLEY. I do not wish my time taken up in this way.

Mr. MADDOX. I wish to say that the members of this committee are exceedingly diligent in making points of order on any amendment offered by a Member outside of the committee.

Mr. COWHERD. The gentleman knows, I presume, that this amendment is practically carried in the bill already.

Mr. MADDOX. I did not know anything of it myself until I heard it discussed; but gentlemen on the committee knew of it.

Mr. FINLEY. I am in favor of the provision as it appears in the bill, placed there by the Committee on the Post-Office and Post-Roads, which provides that this service shall not cost the Government more than the existing service.

Now, this contract has two or three years yet to run. The contractor has failed; and the adoption of this amendment will have the effect of relieving his sureties of the burden and expense of carrying out this contract. The loss to the Government will exceed \$30,000 annually. Now, is it right that they should be relieved? I know of my own knowledge that in my part of the country when star-route contractors fail their sureties are required to take up the contract and carry it out to the letter. The principle is the same in all cases; and the sureties of this Chicago contractor should be required to carry out the contract and to render efficient service.

Mr. SNAPP rose.

Mr. FINLEY. I can not yield. I have only five minutes, and my time will soon be out.

I repeat that the adoption of this amendment will relieve the sureties of the contractor from the performance of the service for the Government of the United States in the city of Chicago. I hope, therefore, that the amendment will be voted down.

The question being taken on the amendment,

The CHAIRMAN. The ayes appear to have it.

Mr. FINLEY. I call for a division.

The question was again taken; and there were—ayes 54, noes 26. So the amendment was agreed to.

The Clerk read as follows:

For regulation, screen, or other wagon service, \$1,133,000: *Provided*, That the Postmaster-General may, in his discretion, contract for the performance of this service in the city of Chicago by underground electric cars and wagons, at a sum not exceeding the present cost of this service in that city.

Mr. OVERSTREET. I move to amend by striking out the proviso embraced in this paragraph.

The amendment was agreed to.

The Clerk read as follows:

For mail bags, cord fasteners, label cases, and for labor and material necessary for repairing equipment, \$300,000.

Mr. HUGHES of New Jersey. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out the period in line 6, page 15, and substituting a colon, and adding thereafter the following:

"*Provided*, That none of this appropriation shall be used for mail bags made or repaired in prisons or by convict labor."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that amendment.

Mr. HUGHES of New Jersey. I ask the gentleman to reserve the point of order, to allow me to explain the amendment.

Mr. OVERSTREET. I reserve the point of order.

Mr. HUGHES of New Jersey. Mr. Chairman, I think I am doing the committee a service in calling attention to the fact that mail bags are being manufactured by convict labor, and I had not the slightest doubt, and I have not now the slightest doubt, that when this committee realizes the fact that American mechanics are asked to compete with convicts in the State prison of New Jersey and elsewhere they will alter that state of affairs.

I want to call the attention of the committee to the fact that the Postmaster-General in his report has called the attention of Congress to the existing state of affairs and has asked that it be remedied.

In the Committee on Labor we have had hearings on the convict-labor bill, and I am free to say that there has not been a single argument which I consider sound advanced in favor of continuing convict labor, especially for permitting convict labor to come into competition in the manufacture of goods used by the United States.

Many people express sympathy for the convict who is deprived of his liberty, and they think that an opportunity should be given him to put in his time in a reasonable way, giving him as much enjoyment as is compatible with the object for which he is incarcerated; but it seems to me that the American mechanic, the American laborer, is entitled to much more sympathy, much more consideration at the hands of Congress, than convict labor of any kind or description; and I sincerely hope, gentlemen, that this amendment, by virtue of which it is intended to prevent New York and other contractors from bidding for Government work and then going to the State prison and employing prisoners there to work upon it, will prevail. I ask the gentleman not to press the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 14256. An act making appropriation for fuel for the south wing of the Capitol building; and

H. R. 9777. An act granting to the city of Port Angeles, State of Washington, for park purposes, certain portions of the Government reserve in said city.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to joint resolution (S. R. 55) authorizing the reprinting of certain documents, to be sold by the Superintendent of Documents.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 57.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in the form such as is customary in the case of eulogies 12,000 copies of the proceedings and accompanying documents, with suitable process plates, to be bound therewith, upon the unveiling of the statue of Gen. William T. Sherman, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies, of which 200 copies shall be bound in full morocco, to be distributed under the direction of the chairman of the Joint Committee on the Library in such manner as, in his judgment, may be desirable.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4837. An act to amend an act entitled "An act to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891," and acts amendatory thereof, so as to extend the time for completion of said bridge until January 1, 1905; and

S. 2148. An act to provide for the enlargement and improvement of the public building at Tyler, Tex.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. GARDNER].

Mr. GARDNER of New Jersey. Mr. Chairman, I shall not at this time discuss the point of order, although I do not believe that the amendment is subject to it.

If there is anything laughable in our public administration, it seems to me it is found in the fact that to-day the mail bags of the United States are largely being manufactured under a contract that is being executed in the New Jersey State prison, notwithstanding that in every prison that the United States has authorized it has specifically placed a provision that no manufacturing shall be carried on within it.

Mr. LIVINGSTON. Let me suggest that the language is "where machinery is used."

Mr. GARDNER of New Jersey. It is specifically provided that in the prisons in the Indian reservations such manufacturing shall not be done; and, more than that, the United States has provided by statute that no United States prisoner in any State penitentiary shall be employed in manufacturing these articles by machinery. And yet, inconsistently enough, it has come about that the United States is contracting for and using the products of prison labor, made by the prisoners of the States in penitentiaries, side by side with United States prisoners who are not allowed to be employed on the same work. It is ridiculous, and it seems to me there is no question but that an amendment ought to go on this bill to put our legislation in some consistent shape. Why, the wardens themselves smile at us. Here are the national prisoners in one wing of a penitentiary, and here are the State prisoners. Here are articles being made for the Government by the State prisoners, while the national prisoners are forbidden to work upon it by national statute. I hope there will be no opposition to this amendment.

The CHAIRMAN. The gentleman from Indiana.

Mr. OVERSTREET. Mr. Chairman, just a word on the merits of the amendment which has been discussed by the gentleman who introduced it. The United States, as I understand it, has never by any statute limited the manner of the manufacture of any article which it buys. In other words, there is no limitation against the manufacture by convict labor. I have my own personal views against this labor, but I am addressing myself to-day to the law, as I presume we must all do. In the absence of any restrictions relative to the character of individuals who may be engaged in the labor of the manufacture of goods purchased by the United States, I take it that the usual rule of law pertaining to contracts would be enforced. There is but one contract for the manufacture of mail bags now in force. That contract was entered into between the Government and some individual who was

unable to carry forward the contract and was obliged to surrender it to his bondsmen.

They are to-day carrying out the terms of that contract, as I understand. It is possibly true that a part—possibly all, I do not know, but certainly a part—of that contract is being performed by convict labor in the State of New Jersey. The contract, however, Mr. Chairman, will not expire by its terms during the period for which this appropriation is made. I take it that if this appropriation were stricken out entirely, it would not vitiate or impair the terms of the contract, and the parties who are entitled to the pay would come in for their pay under an appropriation in the urgent deficiency act. If the terms of the contract, therefore, can not be modified by striking out the appropriation, how can it be modified by any limitation on expenditures?

I believe that there ought not to be any contract of that character. We, however, find ourselves with one on our hands, and the limitation for the payment of that contract, I believe, would not be that degree of limitation which the House has recognized in the limitation on the expenditures.

Mr. HUGHES of New Jersey. Would the gentleman be satisfied with an amendment which exempts existing contracts?

Mr. OVERSTREET. Well, I would rather take care at the time when more contracts will be made. I will say to the gentleman that no contracts are authorized in this bill or contemplated by the Department during the next fiscal year. I say that upon authority of the Second Assistant Postmaster-General, who stated in the committee not only that the contract would not expire during the period for which the appropriation is made, but that the Department intended to see that no such contract for labor was indulged in in the future.

Mr. TAWNEY. Is there a provision in the bill prohibiting the Department from entering into any such contract as now exists?

Mr. OVERSTREET. I should say not.

Mr. MANN. Does the gentleman mean to say that a contract has already been entered into for work to be done beyond the present fiscal year?

Mr. OVERSTREET. Why, certainly. There are plenty of contracts that run longer than a year. My recollection is this contract will not expire for two years. I may not be exact about that by a few months.

Mr. MUDD. Does the gentleman contend that an amendment which limits the expenditure, which limits the money in this bill as appropriated, does not come in as a limitation?

Mr. OVERSTREET. That is not this case.

Mr. MANN. Would the gentleman be willing to state whether he would make a point of order if the gentleman from New Jersey should change his amendment so as to provide that "hereafter" no contract should be entered into for prison-made goods?

Mr. OVERSTREET. I do not like to make an admission in advance of the offering of an amendment. Possibly when the time arrives I might not make the point of order.

Mr. MANN. In my judgment, if the gentleman does not make such a concession, this amendment will prevail.

Mr. OVERSTREET. I think this amendment is clearly subject to the point of order, and the other might not be.

Mr. MANN. The amendment I suggest would be subject to the point of order; clearly this is not subject to a point of order.

Mr. HUGHES of New Jersey. Will the gentleman be willing to consider this amendment as pending until I shall have an opportunity to submit an amendment such as suggested by the gentleman from Illinois?

Mr. OVERSTREET. I will say to the gentleman that I will ask unanimous consent for the gentleman that the item be passed until after the next item has been concluded, and that in the meanwhile he can prepare his amendment.

Mr. HUGHES of New Jersey. Very well.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that lines 4, 5, and 6, on page 15, be passed until after the reading of lines 7, 8, and 9 has been concluded, and then the committee return to the lines passed over.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the paragraph contained in lines 4, 5, and 6, on page 15, be passed without prejudice until the completion of the paragraph in lines 7, 8, and 9. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

The Clerk read as follows:

For mail locks and keys, chains, tools, and machinery, and for labor and material necessary for repairing same, \$45,000.

Mr. OVERSTREET. I will extend the request for unanimous consent for the remainder of page 15.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the consideration of the paragraph to be amended may be postponed until after the reading of line 21 of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. It is impossible for me to hear the request of the gentleman from Indiana. I am also unable to hear the Clerk as to where we are reading.

Mr. OVERSTREET. I have extended the unanimous consent down to line 21; then we would recur to where the gentleman from New Jersey wanted to offer his amendment. He does not seem to be ready.

The Clerk read as follows:

For rent of building for a mail-bag repair shop and lock-repair shop, and for fuel, gas, watchmen and charwomen, oil, and repair of machinery for said shops, \$10,000.

Mr. TAWNEY. I desire to ask whether that includes the paragraph in line 21, and to know if that is also passed?

Mr. OVERSTREET. That is not passed.

The CHAIRMAN. The Chair will state that the only paragraph which is passed without prejudice is the paragraph contained in lines 4, 5, and 6, and what was to be passed until the committee had disposed of the bill down to and including line 21.

The Clerk read as follows:

For inland transportation by railroad routes, of which a sum not exceeding \$100,000 may be employed to pay freight on postal cards, stamped envelopes and stamped paper, mail equipment, and other supplies from the manufacturing and depositories to the post-offices and depots of distribution, \$39,998,000.

Mr. TAWNEY and Mr. BAKER rose.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 21, page 15—

The CHAIRMAN. The Chair will state that the Clerk has only completed the reading of line 19. Does the gentleman from New York wish to offer an amendment after line 19?

Mr. BAKER. Yes, sir.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. BAKER. Mr. Chairman, I move to strike out the last word. I do so for the purpose of stating that, in my judgment, and so far as my information goes, the prices paid for the transportation of mail by the railroads of the United States is most excessive. I am sorry that I have not been able to get in shape such data as, perhaps, would convince gentlemen on the other side who, in this bill as in previous bills, have shown such extreme solicitude for the interests of the men who control the great railroads of this country, as evidenced in this enormous appropriation. Yesterday I made repeated efforts, Mr. Chairman, to get a few minutes to say a few words upon another section of this bill. I desired to point out then, as I desire to point out now, that the gentlemen on the other side of the House are particularly lavish of the money of the United States Government when it comes to the demands of men who control the great special-privileged corporations of the United States, but when it comes to the question of recompensing the men who have nothing but their votes, who have no favors to give, who have no railroad passes to issue, who have no other form of favors to give; when it comes to those men, then the cry of "economy" must come up, and we are told that we must economize, that the United States Government can not afford to increase the salaries of these men.

You can vote upon this floor \$97,000,000 for a big navy; you can vote \$77,000,000 for a large army; you can vote \$17,000,000, or thereabouts, for fortifications; you can vote—as you did, I am told, last session—\$600,000 to make additions to the White House in order that its occupant may emulate European monarchs; you can appropriate millions upon millions to do all kinds of things except to see that the men who are doing the ordinary labor of this Government—the letter carriers, clerks, free-delivery carriers, etc.—shall get a recompense that shall be adequate to meet their needs, but which is not adequate because you gentlemen for years, particularly during the past two years, have been enacting legislation which has created "trusts" and has increased the cost of living to these very employees of the Government, as well as every other workingman in this country, 43 per cent, according to Dun's report.

Why, only within the last month the necessities of life, according to Dun's Review, have been increased 6 per cent, the cost of 350 articles being 103.615 on March 1, 1904, as against 102.028 on February 1, 1904, and as against 97.378 on October 1, 1903. When those men whose expenses of living have been increased 43 per cent as a result of Republican legislation, as the result of your legislation in the interest of special privileged corporations, as a result of your legislation through the iniquitous tariff system, which increases prices while reducing wages; when those men

come here and exercise their right of petition; when they say that they can not meet the increased cost of living out of the meager wages they receive, you say you can not afford it; that the United States Government is "too poor;" that we must "economize." You do not, however, propose to economize on the \$45,000,000 you are going to give the railroads; you do not propose to economize on any contract or on any deal with the special privileged corporations; you do not propose to economize when you are dealing with any man who has a favor that he can confer on Members of this House or any other member of the Government. But it is only the poor men, the men who have nothing but their votes, these men who are mere victims of your system of taxation. When those men come and ask for a slight increase in their wages, "economy" is the cry.

Gentlemen, you upon that side are responsible. Men have been working for \$600 a year in the rural free-delivery service, and it has been shown upon this floor that their expenses for horses, wagon, sleigh, harness, for feed, and for repairs are something like \$300 a year, and you who brag about your "prosperity," you who talk and tell us this is the most prosperous country upon the face of the earth, and that every man in the great State of Pennsylvania can get employment at \$3 a day—\$600 a year—yet you have these men begging for the opportunity of only getting from three hundred to three hundred and twenty-five dollars a year net, and then attempt to deny them opportunity to go to their Congressmen and ask that they shall be paid adequately—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BAKER. Mr. Chairman, I ask unanimous consent that I be allowed five minutes more.

Mr. OVERSTREET. Mr. Chairman, I object.

Mr. BAKER. Then, Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. That motion is not in order on a pro forma amendment.

Mr. BAKER. It has been done before, Mr. Chairman, and I shall notice the fact in future.

The Clerk, proceeding with the reading of the bill, read as follows:

For railway post-office car service, \$5,736,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

At the end of line 21, page 15, insert:

"Provided, That no part of the amount hereby appropriated shall be expended for the use of cars in the railway postal service that have been used in said service for a period of more than fifteen years."

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order on that.

Mr. TAWNEY. Mr. Chairman, I think it will be admitted by every Member of this House that there is no part of the public service so dangerous, so hazardous to those engaged in it, as the railway postal service. During the last fiscal year there were 372 accidents. Twenty-two railway postal clerks, including one substitute and three weighers, were killed; 75 were seriously injured and 398 slightly injured.

Mr. LIVINGSTON. Will the gentleman allow me a question?

Mr. TAWNEY. Certainly.

Mr. LIVINGSTON. Are not these cars regularly inspected?

Mr. TAWNEY. I do not know whether they are regularly inspected by the Government or not. They are, of course, inspected by the railroad car inspectors when they go into the service and thereafter by car inspectors, and doubtless when out of repair are sent back to the shop for repair. But I want to call to the attention of the committee this important fact.

Recently the Postmaster-General has made a report to this House showing the total number of cars in the service and the length of time that each car in the service has been in that service. From that report I find that there are 168 cars out of a total of a little over 1,000 that have been in the service from sixteen to thirty-three years. I find 75 cars in use to-day that have been in use twenty-two to thirty-three years.

Mr. LIND. Will the gentleman yield for a question?

Mr. TAWNEY. Let me finish this. I find there are 10 cars in the service that have been in the service from thirty to thirty-three years. Now I will answer my colleague.

Mr. LIND. What rental is paid by the Government for these cars?

Mr. TAWNEY. The rental for last year, based on the number of cars in service, and the amount of the last annual appropriation, was \$4,730.50.

Mr. LIND. Is not that almost the full value of the cars?

Mr. TAWNEY. I understand it is, although I can not say accurately what the cost of construction is. My information is that it costs between five and six thousand dollars.

Mr. LIND. I have been told that the Government pays as a rental virtually the value of a railway mail car every year.

Mr. TAWNEY. That is in line with the information that I have myself.

Mr. GROSVENOR. Will the gentleman from Minnesota yield?

Mr. TAWNEY. Certainly.

Mr. GROSVENOR. In the line of what the gentleman is speaking about I want to ask if there are any statistics that show how many of the accidents to which the gentleman has referred are fairly attributable to defects in the mail cars?

Mr. TAWNEY. The number of accidents that I have given to the committee has been taken from a report of the Superintendent of the Railway Mail Service. I have given just what that report shows. I can not answer the gentleman's question any further than it is answered by the report of the superintendent of this service.

There is no information here to indicate how many of the accidents were caused by defects in the mail cars. I want to make this observation, however, and I think it will be borne out by the information which we all have, that you scarcely find a serious railway accident where the railway postal car is not the most seriously injured of any car in the train. If there is any car that is smashed all to pieces, it is sure to be the railway postal car, which in too many cases is more of a tinder box than a suitable place for a human being to be inclosed in as these clerks are.

Mr. MANN rose.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Illinois?

Mr. TAWNEY. I do.

Mr. MANN. The gentleman from Minnesota may or may not be aware that under existing law railroad companies are required to make a report to the Interstate Commerce Commission of the cause of every railway accident. I ask the gentleman whether he has examined this report to ascertain whether any of these accidents have been caused by poor postal cars?

Mr. TAWNEY. I have not examined it, and I do not think that report would give the information.

Mr. MANN. Oh, yes.

Mr. TAWNEY. It might give the cause of the accident, but I do not claim that the cause of the accident is always or frequently attributable to the railway postal car. Now, fifteen years is the average life of a railway car—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Minnesota be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. The cause of the accident would not throw any light on the question of whether or not this enormous death rate among the railway postal clerks is attributable to the imperfect railway postal car.

Here are cars that were manufactured and put into the service in 1871, and according to the report of the Postmaster-General they have been in continuous service ever since. In style of construction, kind, and quality of material the cars built in 1871 are entirely different from the car of to-day. These cars are very much lighter, as every man knows who has taken occasion to observe the manufacture and construction of cars, and that the postal cars that we see every day are the weakest and lightest in the train. The new cars are strong and heavy. One of the chief reasons, if not the sole one, for the complete destruction of so many railway postal cars in railroad wrecks is the fact that to-day our engines are so much heavier than they ever were before and the Pullman cars and coaches are so much heavier than formerly that when there is a head-on collision the invariable result is the crushing of the weakest car, and that car is always the railway postal car. Now, fifteen years is the average life of a car.

Mr. COWHERD. Will the gentleman yield for a question?

Mr. TAWNEY. I will.

Mr. COWHERD. The gentleman has given the age of so many of those cars in the service, I will ask him if it is not a fact that that report shows that practically every one of those old cars have been in the shops and have been rebuilt?

Mr. TAWNEY. It shows they have been in the shops. It does not show whether they have been rebuilt or simply repainted or some other repairs made upon them.

Mr. COWHERD. It shows whether their condition is good or not.

Mr. TAWNEY. Of course they have not been in continuous service without repairs. No man would claim that a car could be in continuous service from 1871 down to the present time without getting out of repair. What I maintain, Mr. Chairman, is that when a car has been used the length of time found to be the average life of a car it should no longer remain in the service,

especially when these cars are used continuously by railway postal clerks.

It is our duty to provide the safest conveniences and appliances we can obtain. Therefore these cars should be as strong and as secure and as safe as any other car in railway service. Now, if this amendment is adopted, it would eliminate only 168 cars out of 1,036 now employed in the service; and even if that number may be considered large, you must bear in mind that every car of that 168 has from two to four men employed in it every day and night, and I think, Mr. Chairman, that this amendment is fair. It is not going to operate as a hardship at all on the railway companies. It will simply put out of service about 168 cars, some 70 of which have been in use for from twenty-two to thirty-three years. I ask for a vote.

Mr. GARDNER of New Jersey. Mr. Chairman, nobody would go further than I in agreeing to any provision in this or any other bill to protect railway mail employees or the lives of any other worthy persons. The difficulty about it is that the time a car has been in operation is no more an indication of its stability and safety than it is of a ship. The gentleman says that most of the cars, for illustration, that we see are comparatively new. I take it it is safe to assert that the gentleman is under an optical delusion, and that a very large number of the new cars which he sees are old cars which have been rebuilt. No railway company wants to run an inferior car in a fast train or in a train where such cars are dangerous. The age of a car is no measure whatever of its strength. These old cars that the gentleman talks about, upon a further inquiry, will be found to be almost universally in use on short lines, always running on accommodations and rarely at a speed in excess of 20 miles an hour.

Mr. TAWNEY. If the gentleman will permit an interruption, I will say that this does not apply to the combination accommodation at all, but just applies to cars in the full railway post-office service.

Mr. GARDNER of New Jersey. And they are on lines where accidents perhaps rarely happen. I repeat that if the gentleman will bring forward an amendment which goes to the inspection of cars, that goes to the ascertainment of the safety of a car, then I am with him; but the age of a car no more measures its strength than any other thing that has no relation whatever to it. The car may or may not have been thoroughly rebuilt in that time. It may or may not have had much of the timber substituted with steel. It may or may not have been most thoroughly braced in several respects. Now, it may be true, as the gentleman says—but his amendment will not remedy that—that in railroad accidents it is the railway mail car that kinks up, bends up, smashes up, more than the 60,000-pound passenger coaches in use to-day.

If the gentleman wants to revise the railway mail-car service, if he wants to provide that a railway mail car must be of given dimensions and that it must be constructed of steel and that its weight shall not be less than sixty or ninety thousand pounds, then he would raise another question.

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman that if this amendment is adopted, I intend to follow it up with an amendment along the lines suggested by the Second Assistant Postmaster-General in that respect.

Mr. GARDNER of New Jersey. In conclusion I wish to say, Mr. Chairman, that here is an amendment that bases its entire merits on the age of a car, and the age of a car is no measure of its safety.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask to have read in my time a very able editorial, to be found in the Scientific American, under date of January 9, 1904, entitled "A call for stronger passenger cars."

The Clerk proceeded to read as follows:

A CALL FOR STRONGER PASSENGER CARS.

The Pullman Company recently made the very significant statement that during the year ending September 1, 1903, not a single passenger was killed or injured on a Pullman car in the State of New York. They also announced that although in the past three years the company had carried in all parts of the United States a total of 32,639,341 passengers, only six persons were killed (in two disastrous wrecks) and only four persons were seriously injured.

Compare these figures with the official statistics of railroad accidents in any given year, say for the year 1902, when 345 passengers were killed and 6,683 were injured. Of the thirty-two and a half million passengers that were carried in the three years in Pullman cars, only one in every three and a quarter million was killed or injured, but of the 640,000,000 passengers carried during the year 1902 in ordinary cars, over 7,000 passengers, or about one in every 32,000, were killed or injured. In other words, of two passengers who board a train together he who enters a Pullman car has thirty-six chances of reaching the end of his journey in safety against one chance of his fellow-passenger who enters an ordinary day coach.

Those of us who read between the lines in the accounts of railroad disasters, that appear with such shocking frequency in the columns of the morning papers, will not be at all surprised at these figures. The story of the smashup, if it be a collision, may vary in details, but the general features will have a marked similarity. Thus the mail clerks will be killed outright, and the occupants of the smoker and first day coach, which in all probability will telescope into each other, will divide up the list of casualties pretty evenly between killed and injured; unless, indeed, a broken steam pipe is accountable for the parboiling of the whole mass of unfortunates; while

incidentally the account will mention that the Pullman cars, after expending their momentum in crushing up the lighter first-class coaches, smokers, baggage cars, etc., came to rest without any serious injury, and more often than not without even leaving the rails. Should they leave the rails and roll down an embankment, the passengers are pretty sure to escape with the conventional "bad shaking up."

Now, what do these results teach us? Just this, that if we can not make railway travel safe by installing the very best signal systems and by the careful selection of enginemen and train hands, switchmen, and operators; if we must forever go on having railway smashes, we can at least save the limb and the life of the passenger by building cars on the lines of the Pullman and rendering them practically accident proof.

The strength of the Pullman car lies in its very massive underframe, the heavy steel angles and plating that are worked into the vestibule ends, and the massive vertical vestibule frames, which prevent the platforms from riding one upon another and shearing their way through the structure of the adjoining car. There is no question that it would be possible greatly to increase the safety of ordinary passenger travel by constructing all railroad cars on the vestibule principle and building into the platforms that steel framing, which is largely answerable for the immunity from destruction in bad railroad wrecks of the present Pullman car.

The railroad companies will naturally raise the objection that to give to all cars the strength of Pullman construction would so greatly increase the weight of trains that the engines would be unable to cope with the service. But it is a fact that the strength and indestructibility of the Pullman car could be imparted to the ordinary first-class coach without any serious increase in the weight of the latter. The Pullman car is loaded down with a lot of unnecessary weight, both in its structure and in its embellishments, which could be got rid of in the proposed type of car. A considerable saving of weight might be made by building the underframe, the sides below the sills, the platforms, and the vestibules entirely of steel. This, indeed, has been done by the Illinois Central Railroad, to which too great credit can not be given for the advance that has been made in its new steel passenger cars.

The steel passenger car is not by any means a novelty. In fact, between thirty and forty years ago one of this type was constructed in this country and formed the subject of illustration in the columns of the *Scientific American*, while in Europe not only are the underframes of all cars built of steel, but there is a large number of freight cars of various types of metal construction that have proved their durable qualities by nearly half a century of service. In a railway collision it is always the weakest element that gives way. When telescoping occurs, it is the oldest car that is sliced in half by the platform of the adjoining car. With trains built entirely of steel cars, or cars with steel underframes, the injuries of a collision would be confined very largely to bruises and some broken limbs, due to the passengers being hurled violently forward under their own momentum. But the horrible dismemberment, the wholesale crushing out of life, now due to the telescoping of cars, would be of very rare occurrence. Indeed, with steel cars it is questionable whether telescoping would extend, even in the most severe collisions, much beyond the first 8 or 10 feet in the car.

In view of the shameful slaughter that has lately been going on upon our railroads in a series of accidents that is nothing short of a national disgrace, it becomes the duty of legislation to stipulate that for all new passenger cars a certain minimum standard strength and excellence of construction shall be specified. By the mandate of the Government we have the automatic coupler and the train brake. The time has now come for the Government to demand for every passenger on the railroad the same immunity from maiming and death as is shown by the Pullman Company in their statement of only ten persons killed or wounded out of thirty-two and a half million passengers.

Mr. LIVINGSTON (interrupting the reading). May I ask the gentleman from Michigan for what purpose this is being read?

Mr. SAMUEL W. SMITH. For the purpose of enforcing the demand for stronger passenger cars; and it is a very able article, too.

Mr. LIVINGSTON. A fine advertisement for the Pullman Car Company.

Mr. SAMUEL W. SMITH. No; an able article from the *Scientific American* of January 9.

Mr. LIVINGSTON. How much longer is it?

Mr. SAMUEL W. SMITH. I think the reading will be finished in two or three minutes more.

The Clerk resumed the reading. Before the reading was concluded,

The CHAIRMAN. The time of the gentleman from Michigan [Mr. SAMUEL W. SMITH] has expired.

Mr. SAMUEL W. SMITH. I ask unanimous consent that my time be extended, in order that the Clerk may read the few remaining lines of this article.

A MEMBER. Let it be printed in the RECORD.

Mr. SAMUEL W. SMITH. I accept the suggestion and ask that the whole article be printed in the RECORD.

There was no objection.

Mr. SIBLEY. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. SIBLEY] desire to be heard in opposition to the amendment?

Mr. SIBLEY. I do.

Mr. Chairman, I think the Pullman Car Company owe a debt of gratitude to my friend from Michigan for the elaborate and expansive advertisement they have received this morning.

Mr. SAMUEL W. SMITH. How much do you think was paid to the *Scientific American*?

Mr. SIBLEY. The company ought to pay a good deal, and ought to honor you with free transportation in the Pullman cars to the end of your public career, which we all trust may be a prolonged one.

It seems to me that if our friend from Minnesota [Mr. TAWNEY] would follow the suggestion of the gentleman from New Jersey and secure fixed provisions as to the safety of the ordinary cars he would command the assent of every gentleman on this floor. But you can not fix arbitrarily the life of a car by naming a given

term of years. If you were to fix it at fifteen years, and provide that at the end of that term the car must go to the scrap heap, you may be pretty sure that the corporation would spend very little money toward the end of the fifteen years in repairing and strengthening the car and making the condition of its cars uniformly strong.

Mr. TAWNEY. Will the gentleman pardon me a moment? Experience shows that the natural life of a car is fifteen years—that is, of other cars aside from the Pullman cars.

Mr. SIBLEY. I do not believe that either the gentleman from Minnesota or myself is sufficiently conversant with the technique of car construction to be able to determine a question of that kind.

Mr. TAWNEY. Reliable information has been obtained from those who know what the experience has been.

Mr. SIBLEY. I think there would be a wide difference of opinion among those who know or ought to know.

Mr. TAWNEY. Does the gentleman think that a car built in 1870, when the speed of railroad trains was not more than 25 miles an hour, could to-day be used in trains traveling at the rate of 60 or 70 miles an hour?

Mr. SIBLEY. Ah, but the railroad company must see that every car that it uses is properly equipped and in proper condition. Their own interests demand this. The gentleman might as well say that the usefulness of a Member on the floor of this body terminates when he reaches the age of 60 years. What a grand lot of men we would miss from this assembly if that rule were adopted. You can not, by defining a term of years, arbitrarily fix the standard of the usefulness of a car any more than you can fix such a standard with reference to a horse. You may say of a horse that the measure of his usefulness should be seven or ten or twelve years, but the horse may be a good one at eighteen years. This House should not attempt to legislate in this matter by fixing an age limit.

The article read at the desk speaks about the Pullman cars not being injured when railroad accidents occur. I think that the adequate way of protecting mail clerks would be to adopt just the reverse of the rule proposed. If a man who travels in a Pullman car has thirty-six chances for his safety against one chance of the man who travels in an ordinary passenger coach, then, inasmuch as so many people must travel in ordinary passenger coaches, because of their lack of ability to pay the difference in price, why not offer an amendment compelling the railroad company to put the Pullman car next to the locomotive, where they will receive the first shock of a collision? And then when you have the passenger cars back where the ordinary people now travel, and the mail cars away in the rear, I will guarantee that the mail cars will not get hurt very much in an ordinary head-on railway collision.

Mr. TAWNEY. I will suggest to the gentleman that the answer to that is that the Government of the United States is not paying a rental of \$5,000 a year for the coaches in which the passengers ride.

Mr. SIBLEY. Let us look out for the passengers. We are here to legislate for all the people as much as we are for those employed in the Railway Mail Service; and if this sad state of affairs exists, and if everybody who rides in an ordinary passenger coach has only one chance in thirty-six as against the man who takes the Pullman, it would be just as suitable, it seems to me, for this Congress to attempt to regulate the position which the mail cars should occupy in the trains; and I hope the gentleman does not represent the spirit of this Congress in attempting to legislate.

I have seen only one bill this year that provides an adequate form of government which meets every description and condition of society, and that is the bill introduced by my friend from Brooklyn [Mr. BAKER]. I want to say that I am rather in favor of that bill. I am in favor of any bill or any measure or any man—

Mr. BAKER. Will the gentleman yield for a question?

Mr. SIBLEY. I want to finish this. I am afraid my time will expire.

The CHAIRMAN. The gentleman declines to yield.

Mr. SIBLEY. I am in favor of any man who believes that he has some great truth within his bosom that, if given to the world, will add to the sum total of human blessing, or some great theory of government that, if enacted into law, would better humanity and lift it onto a higher plane. Though I may not agree with him, I am glad that such a man is thinking great things, and it would seem if the gentleman from New York [Mr. BAKER] and my friend from Minnesota [Mr. TAWNEY] can get together that they can arrange a system of government and regulation which will adequately meet every condition in human affairs that they have in their minds.

Mr. BAKER. Will the gentleman yield for a question?

Mr. SIBLEY. Yes.

Mr. BAKER. Let me suggest that instead of "the gentleman from New York" getting together with the gentleman from Minnesota that the gentleman from Minnesota ask the author and

sponsor for the bill and not the mere introducer of it to get together with him. I merely introduced the bill "by request," as you all know.

Mr. SIBLEY. Do you disclaim—

Mr. BAKER. I disclaim sympathy with the paternalistic principles of the bill. I am not a paternalist, but an individualist.

Mr. SIBLEY. I am very glad to hear that, Mr. Chairman. In the gentleman's own time I should like to hear a description of what an individualist is. I think the whole House would be interested.

Mr. TAWNEY. I presume the gentleman from Pennsylvania will now modify his statement as to being in sympathy with the gentleman from New York.

Mr. SIBLEY. I do entirely. I withdraw the recommendation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Chairman—

Mr. BAKER. I ask unanimous consent that the gentleman have time to answer one question.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. BAKER. Will the chairman of the committee yield for one moment while I ask a question?

Mr. OVERSTREET. No.

Mr. Chairman. I reserved the point of order against this amendment, while the debate has run to the merits of it. I shall address myself briefly to the merits of the amendment.

I want to call the attention of the Chair first to a statute which I think would control relative to the point of order. It is the statute of March 3, 1879, to be found in the Postal Laws and Regulations, section 1177, which reads as follows:

All cars or parts of cars used by the Railway Mail Service shall be of such style, length, and character, and furnished in such manner as shall be required by the Postmaster-General, and shall be constructed, fitted up, maintained, heated, and lighted by and at the expense of the railroad company.

I submit to the Chair that under that statute the Department is now operating relative to the character and condition of cars, and while Congress clearly would have the right to legislate in a different way, making different directions, fixing limitations of length and size of the cars and the period of time in which they might be used, yet such legislation can not be had upon an appropriation bill. I direct that to the attention of the Chair.

Now, Mr. Chairman, I should like to have the attention of the committee concerning the merits of this amendment.

There is now in vogue in the Department, under the law which I have just read, a practice of the Second Assistant Postmaster-General in the nature of an inspection of cars.

He requires the railroad companies to examine these cars and report; and these companies are compelled to make such changes in those cars as the Postmaster-General, through his Second Assistant, may direct. In the hearings before the committee on this point the Second Assistant Postmaster-General used this language:

The cars that are constructed now are constructed according to plans that are drawn up by a committee which was appointed by the Post-Office Department in 1891.

Mr. SAMUEL W. SMITH. Will the gentleman permit me to ask him a question?

Mr. OVERSTREET. They started out with that plan, and the different master car builders of the country passed upon that plan, and wherever they decided certain features were advisable they made suggestions and changes were made in accordance with those suggestions. These cars are directed to be changed whenever, under the inspection of the Department, such changes are advisable.

I call the attention of the committee to the report brought to Congress in response to a resolution offered by the gentleman from Minnesota [Mr. TAWNEY], the author of this amendment. I read directly from a communication of the Department to our committee before that resolution was acted upon by the House. That same information is contained in both. I find that there is now one car in the service in good condition, under the inspection, which entered the service in 1869. Its number is No. 1. Another entry shows that seven were put in the service in 1870. Five of them were "reshopped" in 1903, and two are now in good condition.

Under the amendment of the gentleman from Minnesota these cars, in however good condition to-day, would necessarily be excluded from the service. The cars are constantly inspected and changed according to the examinations made. According to the statements to the committee of the Second Assistant Postmaster-General, they are improving the cars as rapidly as constructed under specifications fixed not only by the Department but on the suggestions of the master car builders of the United States.

Mr. TAWNEY. Will the gentleman from Indiana yield?

Mr. OVERSTREET. I yield.

Mr. TAWNEY. Does the chairman of the committee think that a car constructed in 1871 will compare at all in strength with a car constructed to-day; I do not care how it is repaired?

Mr. OVERSTREET. Well, I answer by the statement of the Department, that out of ten cars put into service in 1878 seven of them are now in good condition and three in fair condition.

Mr. TAWNEY. I do not deny that statement.

Mr. OVERSTREET. I wish to say, further—

Mr. TAWNEY. A car built in 1869 or 1871 was not built for service in 1903, for use on a train running at the rate of 60 or 70 miles an hour. In however good condition it may be, the strength, the resisting power, of the car is not equal to the demand under the conditions that it must meet to-day.

Mr. OVERSTREET. I am not a master car builder, and I think it is no reflection upon the gentleman from Minnesota to say that he is not a car builder. I give to him and give this committee these facts, which are official. Here is a car put in the service in 1878. We have it here from the record, and if he can not disprove it he must admit it, because it is an official document.

Now, there were ten cars put in the service in 1878. Two of them were repaired, "shopped," as the Department calls it, in 1903, six in 1902, and two in 1901. All of these ten cars have virtually been rebuilt within that time to conform to the specifications not only of the Department but of the master car builders of this country, whose specifications are followed.

Mr. TAWNEY. The gentleman does not mean to say to this committee that a car taken into a shop and "reshopped" or repaired is rebuilt? He knows that a car may be taken into a shop and have a new truck or a broken wheel replaced, or similar repairs, without being rebuilt.

Mr. OVERSTREET. But here is an official statement showing that they were in good condition on June 30 last, showing that there was reasonable repair to these cars.

I now move that all debate upon the item and upon the amendment be now closed.

Mr. WILLIAMS of Mississippi. I did not hear the gentleman's request.

Mr. OVERSTREET. I move that all debate upon the pending amendment be now closed.

Mr. WILLIAMS of Mississippi. It is upon the pending amendment, not the paragraph?

Mr. OVERSTREET. Yes.

The CHAIRMAN. The gentleman from Indiana moves that all debate on the pending amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question now recurs on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. TAWNEY. Mr. Chairman, let the amendment be reported. A number of Members do not know, I think, what it is.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The CHAIRMAN. The Chair will ask the gentleman in charge of the bill if he withdrew the point of order in moving to close debate?

Mr. OVERSTREET. I did not; I still insist upon the point of order.

The CHAIRMAN (Mr. BOUTELL). The amendment offered by the gentleman from Minnesota is an amendment to the paragraph contained in lines 20 and 21 on page 15 of the bill. That paragraph is as follows:

For railway post-office car service, \$5,736,000.

The amendment is as follows:

Provided, That no part of the amount hereby appropriated shall be expended for the use of cars in the railway postal service that have been in said service for a period of more than fifteen years.

The Chair has not had his attention called to any provision in the statutes of which the language of this proviso would be a violation if it were a positive enactment, so, without raising the question, and merely the question of limitation, the Chair overrules the point of order. The question now is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. TAWNEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 54, yeas 42.

Mr. OVERSTREET. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Indiana asks for tellers. Tellers were ordered.

The CHAIRMAN appointed as tellers Mr. OVERSTREET and Mr. TAWNEY.

The tellers having taken their places, the committee again divided; and there were—ayes 61, yeas 59.

So the amendment was agreed to.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I desire to offer the following amendment.

Mr. HUGHES of New Jersey. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Chair has recognized the gentleman

from Mississippi. Does the gentleman from Mississippi yield to the gentleman from New Jersey for a parliamentary inquiry?

Mr. WILLIAMS of Mississippi. Not now.

The CHAIRMAN. The gentleman from Mississippi offers an amendment which the Clerk will report.

The Clerk read as follows:

Add at the end of the last word of the amendment just adopted:

"Provided further, That the annual pay for the use of any postal car shall not exceed 50 per cent of the cost of manufacturing the same."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I will argue the point of order then first. It is not subject to the point of order, because it is simply a limitation upon the expenditure of the appropriation.

The CHAIRMAN. Did the gentleman from Indiana reserve the point of order?

Mr. OVERSTREET. No, Mr. Chairman, I made the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Will the gentleman state the point of order?

Mr. OVERSTREET. It is clearly contrary to existing law. It is new legislation.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, I will answer the point of order first. It is not contrary to any existing law. There is no existing law which requires that the rental paid for a postal car shall be over 50 per cent of the cost of constructing the postal car. Mr. Chairman, this is nothing but a limitation upon the expenditure of the appropriation made in the bill, and therefore comes within the rule. Now, Mr. Chairman, while the point of order is being reserved I want to—

Mr. OVERSTREET. Mr. Chairman, I have not only reserved the point of order, but I have made it.

The CHAIRMAN. The gentleman from Indiana has made the point of order.

Mr. WILLIAMS of Mississippi. Well, I would like to hear the gentleman from Indiana upon the point of order then.

Mr. OVERSTREET. Mr. Chairman, I direct the Chairman's attention to the Revised Statutes, section 4004, being section 1176 of the Postal Laws, which reads as follows:

Additional pay may be allowed for every line comprising a daily trip each way of railway post-office cars, at a rate not exceeding \$25 per mile per annum for cars 40 feet in length, and \$30 per mile per annum for 45-foot cars, and \$40 per mile per annum for 50-foot cars, and \$50 per mile per annum for 55 to 60 foot cars.

Now, Mr. Chairman, that law fixes the compensation to be paid, not for the rent of railway postal cars, as the gentleman incorrectly stated, but for the service of railway postal cars.

The price of the car does not enter into the fixing of the value of the compensation any more than the cost of a man's clothes determines the value of his services. Men misstate the facts relative to this item of appropriation when they continue to insist on reporting it as rent. It is not so considered by the Department, and it is not so considered by Congress. It is for the service, and that service is with reference to the cars of certain length and a certain mileage. The statute if amended as directed by the gentleman from Mississippi would fix the basis of that service according to the price of the car manufactured. Therefore it is clearly in violation of that statute.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the law which the gentleman has just read says that the rent or the service, I care not which you call it, paid by the Government shall not exceed a certain amount for a car 40 feet in length, and shall not exceed a certain amount for a car 60 feet in length. It does not fix it at so many dollars for a 40-foot car, nor so many dollars for a 60-foot car. What he read itself is a limitation on the appropriation, and this is but a further limitation upon the same appropriation.

Now, we have just heard an admission upon the floor, or a statement and admission, to the effect that we are paying annually for these cars, for their service or for their rent, it makes no difference, as that is a play upon words, for their use—and that term will include both—a sum nearly equal to the cost of construction of one of these cars, or approximately equal to the cost of the construction of one of them.

We have just heard that some of them have been in the service thirty years, many fifteen years, so that the Government during that time has paid out thirty times the cost of the construction of the car. In addition to that we are paying by weight for carrying the mails in the cars, so I think I am right even upon the mere verbal argument in calling it a rental, because it is a return for the use just as much as a rent for land is a return for its use. I care nothing about the word "rental." It is for the use of the car. It is a further limitation upon the appropriation, and, although the existing limitation is upon a different basis,

this further one violates no existing law. It changes no existing law, because the existing law upon the other basis says that it shall not "exceed" certain figures. This says that the sum, wherever the law now says that the sum shall not "exceed" so much for a 40-foot car and shall not "exceed" so much for a 60-foot car, shall also and furthermore not exceed 50 per cent of the cost of the construction of those cars. I am willing to leave the point of order there.

The CHAIRMAN. The amendment offered by the gentleman from Mississippi is to follow the amendment which has just been adopted. This paragraph appropriates for the railway post-office car service \$5,726,000. The amendment offered by the gentleman from Mississippi is as follows:

Provided further, That the annual rental paid for the use of any postal car shall not exceed 50 per cent of the cost of manufacturing the same.

The Chair will call special attention to the precise language of this amendment. It is not in the form of a limitation upon this annual appropriation, but is in the form of permanent limitation upon the discretion of the Postmaster-General. The Chair therefore sustains the point of order.

Mr. SAMUEL W. SMITH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 20, after the word "service," strike out all thereafter in lines 20 and 21 and insert "\$4,048,000."

Mr. SAMUEL W. SMITH. Mr. Chairman, the question of railway mail service has been, is now, and will be for many years a most interesting as well as a most complex subject.

We should approach the discussion of this subject in a spirit of entire fairness as between the Government and all interested in carrying the mails, whether it is a corporation or a single individual.

More than 300 Members of this body represent districts which either in whole or in part enjoy the blessings of free rural delivery. If the amendment which I have offered shall be adopted, and later on there shall be struck out from the bill what is known as the "special-facility clause," commonly known as the "railroad subsidy," carrying an appropriation of \$167,728, which I regard as little less than an outrage on the taxpayers of the country, and add these two amounts to the amount proposed in the bill we shall be able to give \$800 of the \$850 to the free rural-delivery carriers, which I think is but a fair and just compensation for their services, for I regard them as among the poorest-paid servants of the Government.

This clause which I have sought to amend with the eight lines which precede it ought to challenge the attention of every Member in the House. We are asked to appropriate for the carrying of the mails by the steam railways alone one-quarter, aye, sir, more than one-quarter, of the vast appropriation of almost \$170,000,000 carried by this bill.

We are told by members of the Committee on the Post-Office and Post-Roads on both sides of the Chamber that the revenues of the Government will not admit of paying the free rural-delivery carriers more than \$720. Sir, I would that the committee had more carefully considered this matter when they were writing some of the provisions of this bill, especially the clause with reference to special facilities and others that I might mention.

I assume that every Member knows that we pay the steam railways for carrying the mail in apartment cars, and also in railway post-office cars, commonly known as "R. P. O. cars." "The apartment mail car, for which no extra pay is given, and the railway post-office car are essentially the same in character. They differ only in the quantity of space, quality of fixtures, etc., increased weight, costs, etc. The one is simply an evolution from the other."

If you will turn to page 4 of the report of the Superintendent of the Railway Mail Service, you will find that the Government is paying for 1,116 railway post-office cars, and if you divide this proposed appropriation of \$5,736,000 by 1,116, you will see that we are asked to pay for the annual use of these cars \$5,140. Is not this a very large sum to pay for the mere use or rental of the cars, when you consider that the railway post-office cars earn what is regarded by many as an exorbitant amount under the law by weight?

Let us assume that a railway post-office car 60 feet long costs \$6,000, which is giving the railroad the benefit of the doubt in this discussion, and let us assume that a 50-foot car costs \$5,500 and a 40-foot car \$5,000.

You will observe that for the annual rental of a 40-foot car we pay \$140 more than it costs, and for a 50-foot car within \$360 of its cost, and for a 60-foot car within \$860 of its cost, and when you further know that the life of these cars, as shown by the recent hearings taken by the Committee on Post-Office and Post-Roads, is from ten to twenty and twenty-five years, you have some appreciation of their earning capacity, independent of what they earn by carrying the mail by weight.

The following is a schedule of rates for railway mail transportation, which shows what is paid for carrying the mail by weight as well as the rates allowable per mile per annum for use of railway post-office cars when authorized:

Schedule of rates for railway mail transportation.

Average weight of mails per day carried over whole length of route.	Pay per mile per annum.			Pounds.
	Rates allowable under act of March 3, 1873.	Rates allowable under acts of July 12, 1876, and June 17, 1878.	Rates allowable to land-grant railroads, being 80 per cent of allowance to other railroads, subject to acts of July 12, 1876, and June 17, 1878.	
200 pounds.....	\$50.00	\$42.75	\$34.20	
200 pounds to 500 pounds.....				12
500 pounds.....	75.00	64.12	51.90	
500 pounds to 1,000 pounds.....				20
1,000 pounds.....	100.00	85.50	68.40	
1,000 pounds to 1,500 pounds.....				20
1,500 pounds.....	125.00	106.87	85.50	
1,500 pounds to 2,000 pounds.....				20
2,000 pounds.....	150.00	128.15	102.60	
2,000 pounds to 3,500 pounds.....				60
3,500 pounds.....	175.00	149.62	119.70	
3,500 pounds to 5,000 pounds.....				60
5,000 pounds.....	200.00	171.00	136.80	
For every additional 2,000 pounds.....	25.00	21.37	17.10	
Over 5,000 pounds.....				80

No allowance is made for weights not justifying the addition of \$1.

Rates allowable per mile per annum for use of R. P. O. cars when authorized.

Railway post-office cars:	
40 feet.....	per daily line.. \$25
50 feet.....	do..... 40
55 to 60 feet.....	do..... 50

To constitute a "line" of railway post-office cars between given points, sufficient railway post-office cars must be provided and run to make a trip daily each way between those points.

In this connection I might state that under the law a railroad can carry 200 pounds of mail per annum and carry it in a pouch, which can be thrown into a baggage car, not requiring the use of an apartment car or of any part of an apartment car, and a road 100 miles long would earn for this service per annum \$4,275. I submit that this seems too much. I know that in addition thereto in many cases the railroads are required to deliver the mail by messenger within a distance of 80 rods of the depot; but grant all this to be true, is there a railroad in the country that would not feel that they were being well paid if they could receive \$4,275 for hauling over their lines each day of the year, say for 100 miles, or a greater distance if you choose, a trunk weighing 200 pounds, containing most valuable and costly articles, and in addition thereto deliver it, from some point on their line, each day a distance of 80 rods from the place of delivery?—for the trunk, like the mail pouch weighing 200 pounds, would only occupy a small part of the baggage car.

A railroad 100 miles long carrying from 3,500 to 5,000 pounds earns \$17,100, and you will notice by the above schedule that for every additional 2,000 pounds over 5,000 pounds they receive \$21.37 in addition to the rate for carrying 5,000 pounds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that he may be permitted to proceed for five minutes. Is there objection?

Mr. OVERSTREET. Oh, just print that.

Mr. SAMUEL W. SMITH. The chairman of the Committee on the Post-Office and Post-Roads asks me to print this, but I prefer to give the figures to the committee now.

Mr. COWHERD. Mr. Chairman, I wish that this consent may be granted, and I would like to have ten minutes in which to reply.

The CHAIRMAN. The Chair hears no objection, and the gentleman is recognized for five minutes.

Mr. SAMUEL W. SMITH. Mr. Chairman, from the hearings which were had before the last joint commission to investigate the postal service it will be seen that these railway post-office cars carry from 4,000 to 12,000 pounds, and in this connection I quote Hon. William H. Fleming, who was a member of the joint commission, which report was submitted January 14, 1901:

It is very important in this connection for us to know how much weight of mail matter the postal car can carry. Some witnesses give the average weight at 4,000 pounds, or 2 tons, but Professor Adams is not willing to accept these figures (Pt. II, p. 233). One witness gives this weight of mail matter as 10,000 pounds, or 5 tons (Pt. II, p. 710). Mr. Davis, of the Post-Office De-

partment, says that 7,000 pounds, or 3½ tons, is "an easy load" (Pt. II, p. 234), while it was testified that the postal cars on the Pennsylvania Railroad carried as high as 12,000 pounds, or 6 tons.

In this connection I wish to call special attention to the report of Mr. Bradley, of the Post-Office Department, and his specific statement (on p. 158, Pt. II) that the average weight capacity for storage of letter mail on a 60-foot postal car on the New York and Pittsburgh route was 8,000 pounds; on the New York and Washington route, 10,000 pounds; on the New York, Geneva, and Buffalo route, 7,000 pounds, and of a newspaper car on the New York and Pittsburgh route, 12,000 pounds. It is important to observe, too, that these weights are carried in that portion of the postal car "not assigned to distributing furniture."

Besides that, many of the mail trains use storage cars in connection with postal cars, and in this way the amount of mail handled on each postal car is largely increased, without any additional cost except that attached to the storage car, which certainly ought to be placed in the class of a freight car in all essential respects except as to speed.

But, going beyond mere general considerations, Professor Adams (Pt. II, pp. 233 and 234) makes a specific calculation of the actual cost of carrying the mail in postal cars over the Pennsylvania route. Upon the basis that each car is loaded with 3½ tons (said to be an "easy load"), he shows that the road would expend for its mail service an annual sum per mile of \$2,244, while the compensation for carrying the mail over that route is \$3,422 per mile, an excess of compensation over the cost of \$1,178 per mile. This amount might be considered as part of a reasonable profit but for the fact that in making his computation the professor has already included all operating expenses and, in addition thereto, 33 per cent for fixed charges and dividends, etc. So that the excess of \$1,178 is earned by this road in addition to a full allowance for expenses and profits.

If it be true, as Mr. Bradley states, that the storage capacity of these cars for letters alone is as high as 8,000 pounds, and in some instances 10,000 pounds, it is evident that the earnings are greatly increased when the cars are properly loaded.

Let it be noted, also, that in making this calculation Professor Adams has taken the average cost per train mile as \$1, though, as a matter of fact, it is given by the Interstate Commerce Commission as 95½ cents in 1898. Moreover, the New York Central and Hudson River Railroad, which continues to assign its operating expenses between the passenger and freight service, gives its average cost per passenger train per mile as 71 cents, mail trains being classed with passenger trains. Whether the real cost of a mail train on the Pennsylvania Railroad is nearer 71 cents than 95½ cents is an open question. Besides that, Professor Adams's calculation makes no allowance for the decreased service on Sunday, but assumes that the same full service is rendered for the whole three hundred and sixty-five days in the year. So it will be seen that Professor Adams has given the road, in his calculation, the benefit of the most favorable conditions in each instance.

After a most careful and I think impartial consideration of this question I am forced to the conclusion that the present law makes overpayment to the railroads on the dense mail routes, and that the reduction recommended by Professor Adams, ranging from 1 to 12 per cent on weights beyond 5,000 pounds, is reasonable and just.

In presenting the foregoing views I have considered the regular railway mail pay and the extra postal car pay as one single item of compensation. If the reductions advocated by Professor Adams in the general rates are made, I would not advocate an additional reduction in postal car pay; but if those general reductions are rejected, I think there ought to be a reduction in the postal car pay.

In view of the foregoing statement, let us see what a railway post-office car, carrying 7,000 pounds, would earn in addition to its rental.

Mr. GARDNER of New Jersey. Mr. Chairman, I do not think the gentleman desires to make any misstatements.

Mr. SAMUEL W. SMITH. I certainly do not.

Mr. GARDNER of New Jersey. The gentleman is calculating on 6 tons, in some instances less, of mail carried every day in the year?

Mr. SAMUEL W. SMITH. Yes; I know that.

Mr. GARDNER of New Jersey. Does the gentleman not know that the postal commission and the men who have given the greatest study to this matter have determined that 4 tons is the maximum that can be carried in a postal car with the distributing going on?

Mr. OVERSTREET. And in most of them but 2 tons.

Mr. SAMUEL W. SMITH. Opinions varied, as shown by the hearings.

Mr. GARDNER of New Jersey. They have not only determined that to be the maximum, but that any calculation that is made on the average daily carrying of the mails has to take into consideration that to-day the mail will be twice as heavy as tomorrow, and that it is always true that outgoing mail from given points is twice as heavy as the incoming mail.

Mr. SAMUEL W. SMITH. I can not agree with the gentleman's statement as a whole, but will refer him to the hearings before the Postal Commission, and will say that the hearings show that the mail going west is heavier than the mail coming east.

Mr. OVERSTREET. I would suggest that a pound of western mail does not weigh any more than a pound of eastern mail.

Mr. SAMUEL W. SMITH. That is quite true, but I am answering the gentleman's question.

Mr. GROSVENOR. I do not know about that. I would not assent to that proposition. [Laughter.]

Mr. SAMUEL W. SMITH. That may be true, and I will accept the suggestion of the gentleman from Ohio [Mr. GROSVENOR]. We all know, for instance, that supposing 9,000 pounds of mail is placed upon a car bound from Detroit to Chicago the whole of that mail does not go all the way to Chicago.

Mr. GARDNER of New Jersey. That suggestion is not in your figure.

Mr. SAMUEL W. SMITH. I have not finished. I am undertaking to call the attention of the committee to what the average

would be. If you put a given amount of mail matter in a railway post-office car, and keep distributing the same and taking on new mail as the car proceeds to its destination, and assuming that a railway post-office car carries 10,000 pounds, is it fair between the Government and the railway company?

Mr. GARDNER of New Jersey. Does the gentleman know of any well-informed man in the world who claims that he can take 12,000 pounds of mail matter in a car and still leave room for the handling of it?

Mr. SAMUEL W. SMITH. I refer the gentleman to the hearings as to what can be put into a railway post-office car.

Over a road of, say, 285 miles, the distance from Detroit to Chicago, the computation shows it would annually earn \$27,363.43, and add to this the annual rental of \$5,140 and you have \$32,503.43 as the total annual earnings of a railway post-office car, and if you will make the computation regarding a railway post-office car carrying 9,000 pounds you will observe it will earn annually on the same line \$30,459.37. To this add \$5,140, the annual rental, and you have as the total annual income for this car \$35,599.37. Does not this seem like a large sum of money to pay for this service, when you consider that these railway post-office cars are only a part of the train which the road is daily hauling over its line, and that the road is not required to furnish an additional engineer or fireman, and that the only increase in cost is the coal for making the steam for drawing this car and its contents, and the daily care of the car in the way of seeing that it is well lighted, heated, and otherwise cared for, so as to be in running order? But let us see what is the net annual income to the railroads from a railway post-office car over a distance such as I have suggested.

In trying to get at the right of this matter I learned from an official source which is reliable that in determining what it is worth for the service of a car the price varies from 4 to 10 cents per running mile. The 10 cents per mile may be a fair price on a line like the Rio Grande in Colorado, or over other lines where they have such heavy grades, but I can not believe that even 4 cents per running mile is a fair price over a line like that of the Michigan Central between Detroit and Chicago. I think it is too much. But let us again give the railroads the benefit of the doubt, and by computation you will find that the annual cost for a car at 4 cents per running mile over a line 285 miles long for 365 days is \$8,322.

I was also informed that \$1,400 per year was a fair price for keeping one of these railway post-office cars in good condition—keeping it properly lighted, oiled, etc. I may add in this connection, however, that the hearings before the postal commission show that they can be cared for for an amount as low as \$620, and by others that it is worth \$2,000. I think I am fair in accepting \$1,400.

Add this, if you please, to the \$8,322, and you will find that the annual cost to the railroad is \$9,722; deduct this from the annual earnings of a railway post-office car that carries 7,000 pounds, and you have a net annual earning to the railroad of \$22,781.43, and from the car that carries 9,000 pounds, \$25,877.37.

I desire to state that after making these figures I was not satisfied that I was correct, for I was astonished at the earning capacity of these cars, and so I submitted these figures to a gentleman for many years connected with the Railway Mail Service, who is perfectly competent to speak, and he assured me that they were correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAMUEL W. SMITH. I ask for five minutes more.

Mr. OVERSTREET. Does the gentleman need so much time?

The CHAIRMAN. Is there objection?

Mr. SAMUEL W. SMITH. Mr. Chairman, on an appropriation bill carrying so large an amount as this does, it seems as though there ought to be no objection for a few moments of time in discussing a proposition which covers more than one-fourth of the entire amount.

Mr. OVERSTREET. If the gentleman would confine himself to the amendment and not discuss portions of the bill already passed he would not consume so much time.

Mr. SAMUEL W. SMITH. Will the gentleman please direct my attention to any part of my argument that does not refer to my amendment?

Mr. OVERSTREET. The gentleman has been talking about the railway mail pay, when his amendment has reference to railway postal cars.

Mr. SAMUEL W. SMITH. I am considering the two subjects together. I could have made my amendment apply to both clauses of the bill had I chosen to do so.

Mr. OVERSTREET. I will not object to this request, but I will to any other.

The CHAIRMAN. The gentleman from Michigan [Mr. SAMUEL W. SMITH] asks unanimous consent that he may be allowed to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. GARDNER of New Jersey. I should like to inquire of the gentleman at this point how he expects this amendment to operate? He proposes to cut down arbitrarily the item by a large amount of money.

Mr. SAMUEL W. SMITH. If the amendment is adopted, it will reduce the service.

Mr. GARDNER of New Jersey. Does the gentleman expect that the rate of pay of which he is complaining will be reduced under the amendment or that the aggregate service will be reduced?

Mr. SAMUEL W. SMITH. I hope, in view of what I have said and what I propose to say, that the Committee on Post-Offices and Post-Roads will present a bill to the House reducing the pay for the rental or use of the railway post-office cars, or that they will suggest the appointment of a new commission for a further examination of this and kindred subjects.

Mr. MURDOCK. Do you contend that any car running between Detroit and Chicago carries 7,000 pounds?

Mr. SAMUEL W. SMITH. I am using that for an illustration.

Mr. GARDNER of New Jersey. Why don't you make it 15,000 pounds?

Mr. SAMUEL W. SMITH. I would only make the amount larger if I did that. I repeat that when you take the hearings it appeared to me that I was conservative in taking that amount.

Now, Mr. Chairman, I have but a moment. I want to say that the commission did not agree. Two of the commission came to the conclusion that \$2,000 or thereabouts was a fair price to pay per year for these cars.

Mr. HEDGE. Who were they?

Mr. SAMUEL W. SMITH. One was Hon. William E. Chandler, for several years a Senator from New Hampshire and now president of the Spanish Treaty Claims Commission, and the other was Hon. William H. Fleming, then a Member of the House. Those were the gentlemen. If you were to pay for those cars an annual rental of \$2,000 each, which in my judgment is a fair price when you take into consideration the amount paid in addition thereto for weight, you would pay for the use of the 1,116 railway post-office cars \$2,232,000, and if such a provision were to be enacted into law we would save in comparison with the present proposed appropriation just in this one item of the bill \$3,504,000.

Gentlemen, this law was passed in 1873, at the same time that the law was passed with reference to weights. You will notice that the law with reference to weights has twice been amended. I ask you in reason and judgment why should not this law also be amended in accordance with the suggestion of the gentleman from Mississippi [Mr. WILLIAMS]? Mr. Fleming in his report calls attention to the fact that coal, pig iron, steel rails, and those things entering into the construction and operation of a railroad have been reduced in cost from 10 to 54 and 76 per cent. In 1873, when this law was passed, we were paying for steel rails \$120 a ton. To-day we are paying about \$20 a ton. [Prolonged applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SAMUEL W. SMITH. Mr. Chairman, I should like the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD upon this amendment to the bill. Is there objection? There was no objection.

Mr. SAMUEL W. SMITH. Mr. Chairman, I had hoped to be able to secure a few moments more time so that I might direct the attention of the committee to some statements made in the report of the commission and make some comments thereon.

It is true that I might have had time during general debate upon this bill, but I am impressed that matters of this importance receive greater attention from Members during the reading of the bill than they otherwise would, and a forcible illustration of this fact was shown by the presence of not more than one-third of the Members of the House at the time of the delivery of two speeches during the last month by prominent Members who must have given weeks and months of time in study, thought, and reflection upon the subjects which they so ably presented to the committee.

I think matters of such grave importance should receive more time and attention at the hands of Members during the reading of the bill, for it is then that usually a greater number are present and more interest and attention is manifested than is ordinarily given in the discussion of these matters under general debate.

The commission use this language:

We are of opinion that the true basis for payment to railroads for mail transportation should be such sums as will afford the railroads a fair compensation for the services rendered.

Certainly everyone will willingly subscribe to this doctrine, and it is evident to my mind, after reading their report, that they were not altogether satisfied with their conclusions, for they further say:

The difficulty with which the Commission has been, and Congress will be, confronted in the consideration of this question is, however, not because of any disinclination to allow the railroads a fair and full compensation for the services rendered by them in the transportation of the mails, but because of

the difficulty of determining what is a fair and reasonable compensation. This difficulty arises from the fact that the Railway Mail Service is largely sui generis. (Printed testimony, pt. 2, p. 132.) No other department or class of the business of railroad and transportation companies is sufficiently similar to afford a safe and certain standard by which to measure the compensation which ought to be paid for the transportation of the mails.

They also assert that the question of mail pay is not comparable with the express, with freight, or with passenger transportation, and in this connection they use this language:

An examination, then, of the three great departments of railroad transportation fails to disclose in either an adequate and reliable standard by which alone to determine the question of what is a reasonable compensation to the railroads for the transportation of the mails. Having thus failed to discover any gauge or measure by which the proper amount of the compensation to be paid for the transportation of the mails can be made a matter of mathematical demonstration, the Commission is forced to the conclusion, that, as said by Professor Adams and some of the other gentlemen whose testimony is preserved in the record, this question is one of "judgment" (printed testimony, pt. 2, p. 13), and to be determined from a full and careful consideration of the question in all its bearings upon and connection with the other branches of the railroad business and operation, by which method a conclusion may be reached whereby the railroads will receive adequate compensation for the services performed by them, and the Government protected against paying out an amount in excess of the value of the services received.

So that if it resolves itself into one of "judgment" you and I certainly have a right to express our opinions in the hope that we may be able to shed some light that will aid in the solution of this much-vexed question.

I never yet have been quite able in the light of all the facts and circumstances to comprehend this statement of the commission:

The state of facts, however, as disclosed by the evidence, is that the transportation of the mails is imposed upon several hundred different railroads, owned by different and distinct companies, operated under radically different circumstances and conditions of country, climate, population, and trade. The testimony also satisfies us that to a certain proportion of these railroads the transportation of the mails is unprofitable, and in some instances attended with positive loss; that to a smaller proportion of the railroads the expense of and receipts from the transportation of the mails substantially balance, the railroads in this class being large systems whose initial points are the great centers of business and population in the Middle West.

To the residue of the railroads, consisting of a very small percentage of the total number of railroads in the country, the transportation of the mails is a source of some actual profit; but the evidence is not sufficient to enable the commission to determine this definitely or the amount or percentage of such profit, if any. The evidence shows that the railroads which come in the class of thus deriving an actual profit from the transportation of the mails are mainly those one of whose termini is the city of New York, and operating over lines and through sections of the country where the "density" of the mail is the greatest.

If it be true that the railroads, taken as a whole, are not making any money for the carrying of the mails, then it must follow that they are losing money, and if they are losing money, how is it to be accounted for when we all know that there is not probably a railroad in the country that is not desirous of securing these mail contracts? The commission further say:

The Railway Mail Service as it is in operation to-day may be divided into two parts: First, that required of the railroads by law; second, that called for by the regulations of the Department.

This matter of regulations which we so often hear spoken of in connection with this matter is only an added proof to me of the fact that the railroads know that they are receiving compensation in excess of what they ought to receive, for if you will visit the Post-Office Department they will tell you of the various regulations that are being imposed upon the railroads, and the number is increasing rather than diminishing.

I am unable to account for the fact that the railroads submit to these continued regulations upon any other theory than that they are receiving excessive pay. If we accept the reasoning of the commission in connection with what the railroads are making, and also bear in mind the repeated regulations, which must add new burdens, and apply it to any other business transaction, I submit it would lead to but one conclusion, namely, that the individual or corporation would refuse to further continue the contract, for the reason that they were losing money and also for the further fact that regulations were being imposed which could not be fulfilled without causing a still greater loss; but, on the contrary, we learn that the railroads object mildly and keep right on letting the Post-Office Department impose these added regulations.

There were two members of the commission who frankly stated that they thought the pay ought to be reduced, and I quote from Mr. Fleming to show not only his opinion but the opinion of Professor Adams, of the University of Michigan.

At an early stage of our proceedings it became apparent that the Commission needed the assistance of some expert statistician acquainted with railway and transportation problems in order to reconcile, if possible, the conflicting testimony and ascertain with some degree of definiteness the proper data on which a just report could be based. Accordingly, Mr. Henry C. Adams, professor of political economy and finance at the University of Michigan, Ann Arbor, Mich., and also statistician of the Interstate Commerce Commission, was employed to investigate the subject and report. Mr. Adams gave months of time to his investigation and was assisted in his work by a large force of clerks. He made his report to our Commission under date of

February 1, 1900, and it will be found in part 2 of the testimony, at page 171. His conclusions were as follows:

First. It is proposed that the present rate of compensation on all routes shall be reduced by 5 per cent.

Second. It is proposed that all routes receiving in excess of 20 cents per ton per mile shall be subjected to a further reduction at a uniformly progressing rate, the rate of progression being indicated in the following table:

Scheme for progressive reduction of railway mail pay.

Classification of roads (cents per ton per mile).	Reduction applying to each class of roads in addition to a uniform reduction of 5 per cent.	Classification of roads (cents per ton per mile).	Reduction applying to each class of roads in addition to a uniform reduction of 5 per cent.
	<i>Per cent.</i>		<i>Per cent.</i>
16.50 to 20.....	1	8.80 to 9.20.....	7
14 to 16.50.....	2	8.40 to 8.80.....	8
12.30 to 14.....	3	8.10 to 8.40.....	9
11.25 to 12.30.....	4	7.67 to 8.10.....	10
10 to 11.25.....	5	7.34 to 7.67.....	11
9.20 to 10.....	6	7 to 7.34.....	12

On the basis of rates received under the present laws by which railway compensation is determined.

Professor Adams was subjected to a rigid examination, and his positions were assailed by various representatives of the railroads, but I do not see that his conclusions have been impaired, except, perhaps, in the matter of his comparison of mail rates with the express rates. Mr. Fuller, of the American Express Company, seems to have shown that the 100-pound rate selected for comparison by Professor Adams was not a fair typical rate for that purpose.

Professor Adams revised his original statement in some minor particulars, and under pressure of oral examination made some conditional concessions, but as his final matured judgment in the premises he still holds to his recommendations of reduction. The majority of the commission state in their report that "this question (of mail pay) is one of judgment," but after making this admission they forthwith proceed to set aside the deliberate judgment of the best expert they could procure.

After the filing of his report and after his final examination, on April 7, 1900, with all the additional light he could obtain, Professor Adams makes the further statement that his proposed reduction of 5 per cent is "justified by a consideration of the economies in railway transportation not dependent on increase in the density of mail traffic." (Pt. II, p. 240.) I believe this recommendation of Professor Adams is entirely justified, unless it can be shown that the rate of pay established under the law of 1873 and the amendments of 1876 and 1878, including even the postal-car pay, was grossly inadequate at that time.

I think Professor Adams's recommendation for a general reduction of 5 per cent should be enacted into law.

I am also of the opinion that the second recommendation made by Professor Adams, that the form of progressive reduction provided for in the law of 1873, and which has never been changed, should be extended beyond the limit originally fixed of 5,000 pounds, is founded in justice and wisdom. His position on this point is even more unassailable than his other recommendation, for a 5 per cent horizontal reduction.

And I especially direct your attention to what Mr. Fleming has to say about the pay for railway post-office cars:

What, then, is the proper basis of pay for railway post-office cars? Clearly that basis is to be found in the differences which exist between the apartment car and the railway post-office car. The extra pay should be adjusted to the extra facilities; no more, no less. The distance the cars run per annum does not enter as a separate factor into the problem, because if the mail were carried in an apartment car that car would have to run just as many miles as the railway post-office car. In either case the same number of engineers, brakemen, etc., are required.

Efforts have been made to defend the heavy outlay for railway post-office cars on the ground that the regular compensation for mail transportation, as fixed by the law of 1873, was found to be inadequate, and therefore the pay for railway post-office cars was purposely placed higher than it should have been per se in order to make up the losses on the regular rates. But that plea loses much of its force when we consider that the railway post-office car pay was fixed in the same law of 1873 in which the regular mail transportation rates were fixed, and instead of those rates being found inadequate by subsequent Congresses, they were considered to be too high and were twice lowered, once in 1876, 10 per cent, and again in 1878, 5 per cent.

And, further, as to what he has to say about the proposed reduction jeopardizing the railroad interests of the country:

The moderate reductions suggested could not seriously jeopardize the railroad interests of the country, as the mail pay constituted in 1898 only 2.74 per cent of the total earnings of the roads (Pt. II, p. 219). Both reductions together would save to the Government about \$3,000,000 per annum, according to Professor Adams's estimate. This sum would be less than one-twentieth of 1 per cent of the annual gross earnings of the roads.

We have, undoubtedly, a most excellent postal system, but we also have a most costly one. The total expenditures for the year ending June 30, 1901, as taken from the report of the Postmaster-General, were \$107,249,238.13, of which \$37,123,277.27 were expended for railway transportation.

And Mr. Fleming is sustained in his contention by Mr. Chandler, who uses the following language:

Does it follow, therefore, that the Government must go on for an indefinite period to pay the present rates for transporting the mails? The undersigned does not so conclude. The present rates per pound weights were first fixed in 1873, were reduced 10 per cent in 1876, and 5 per cent more in 1878. It is not proved that they were inadequate then, and it is not probable that it is unjust to require some reduction of rates when freight and passenger rates have been so largely reduced during the same period.

Accuracy of compensation being impossible, the best judgment of all persons having to deal with the subject must be exercised.

The commission, as authorized by Congress, employed a highly competent

expert (Prof. Henry C. Adams), and he recommended a reduction of 5 per cent of the compensation on all routes, and a further reduction varying from 1 per cent to 12 per cent on the railroad routes where the traffic is the most dense, as being, in his judgment, below the percentage of reduction which could be justly demanded by reason of changed conditions. The undersigned joins with Representative Fleming in recommending the foregoing reductions and in the removal of the present limit of progressive reduction to 5,000 pounds, and also joins in Mr. Fleming's recommendation of \$2,000 per annum "as a special pay for railway post-office cars."

I yield to no one in my desire for the best postal service of any country, but I insist that we are paying too much for the transportation of the mails. What will the Committee on Post-Offices and Post-Roads do to obtain relief? Will they bring in a bill during the present session of this Congress reducing the pay for the use of railway post-office cars, or will they favor the appointment of a commission to further investigate and report upon this whole matter?

Certainly no one ought to be satisfied with the report of the last commission. I doubt if the individual members of that commission are fully satisfied, for they were divided in their opinion, and they did not agree as to what their own expert recommended.

The railroads ought not to object, for if they are not being fairly paid for their services, as a part of the last commission assert, they should be, and no one speaking for the Government can oppose an honest effort to get at the right, whether it pertains to this or any other subject-matter, and in this way do equal and exact justice to all concerned. Let us see what the committee will propose and do.

May I be pardoned if I add a word to what I have already said regarding the free rural delivery carriers? During the closing hours of the last Congress some one asserted that the free rural delivery carriers were earning one-half as much as their salary by taking subscriptions for the newspapers, carrying parcels, etc. This may be true in a few instances, but not in the main.

In the district which I represent I have corresponded with all the carriers in this regard and also as to what their outfit cost them and what it costs them to live and what they could save. Many of these letters are very interesting, and clearly show that the carriers are not receiving a sufficient salary; but it is so universally conceded that they are not receiving adequate pay that I shall not discuss that proposition further.

Regarding their earnings outside of their salary, 138 carriers report as follows: 21 did not receive a penny; the lowest amount received by any carrier was 10 cents; the largest amount was \$48.25; the average, \$9.80.

For many years the farmers gave their subscriptions for newspapers to the fourth-class postmasters largely; since the coming of the rural free delivery they have given them in the main to the carriers, and I think that they would like this privilege continued. They also want the carriers to be permitted to do errands for them.

I quote a few lines from my friend Hon. Robert W. Malcolm, one of the leading farmers of the Sixth district of Michigan, under date of March 8, 1904:

Yours received, and I want to ask you to do your best to keep Congress from stopping our mail carriers from doing errands for us farmers. Supposing I need a little repair for my binder or mower, I can send by Colliard (the carrier) and he will bring what I want to my farm for 10 cents, and I can stay at home and tend to my crops. If I have to go to town I am out half a day besides what I have to spend for toll, etc. It can't hurt anyone to let things alone, and it helps the farmer.

These are the sentiments of the farmers throughout the Union wherever free rural delivery is enjoyed.

Now is the time to do our duty, and if we do the free rural delivery carriers will receive a salary commensurate with their services. [Loud applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I wish to offer the amendment in a form that I think will not be subject to the point of order.

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that there is an amendment pending.

Mr. COWHERD. Mr. Chairman, I trust that the committee will be as generous with me as it was with the gentleman from Michigan [Mr. SAMUEL W. SMITH], and if I should ask for an extension I will try not to occupy any more time than is necessary.

The gentleman from Michigan [Mr. SAMUEL W. SMITH] has offered some very interesting figures and suggestions to the House. He will pardon me, I hope, if I say that he made one statement that does not do honor to his argument. He appeals to this House to strike out one appropriation in order that you may put it somewhere else where you may be especially interested.

Let me say to you, gentlemen, that each case which comes to you should be considered on its own merits. If this pay is too high, it ought to be reduced. If this pay is only fair, you ought not to take away from and cripple one branch of the service in order to give it somewhere else where you think possibly you are more interested.

Now, gentlemen, this question of railway mail pay is the most interesting and most difficult problem that the Committee on the Post-Office and Post-Roads has to meet in the consideration of this bill. The trouble about it is that very few men will come to the consideration of it freed from prejudice for or against the railroads or freed from improper assumptions.

My friend from Michigan [Mr. SAMUEL W. SMITH] bases an entire argument upon this proposition—that the railway postal car earns so much carrying 7,000 pounds of mail, when the actual fact has been proven to be that the railway postal car does not carry that amount of mail. But the gentleman says if it carries more you earn so much more. The fact is that it does not carry that much, and does carry very much less, the average weight of mail carried being about two tons.

This commission that the gentleman has spoken of consisted of men who were among the ablest men in this House and the other.

I think you will all agree with me that it would have been hard to select a body of men fairer than those gentlemen. They investigated this subject for some time—something like two years. They employed the most eminent statistician in the United States to go through the testimony submitted and report to them upon it, and I want this House to remember this—

Mr. SAMUEL W. SMITH. Will the gentleman yield to me for a question?

Mr. COWHERD. Let me finish this statement.

I want the House to remember that only one gentleman, practically, reported in favor of reduction, and he only 5 per cent in a bill of over \$40,000,000. The statistician on whose figures even that low estimate was made himself stated over and over again that he would not be in favor of any reduction unless you could introduce certain economies in the carrying of the mail, which consisted in the bunching of the mail on particular trains; instead of carrying it, for instance, from New York to Philadelphia on something like a hundred and forty trains, carrying it only on a few trains, which of course would result in much retarding of the mails to the people of the country, and which, I submit to you gentlemen, would result in such damage to the business interests of the country that you could not afford to support the proposition for a moment. Mind you, he said that unless you could put these economies into practice he would recommend no reduction; and all of these men reported—all, I think, excepting Mr. Fleming—after two years' investigation, that we ought not to reduce the price paid to the railroads for carrying the mails.

Mr. SAMUEL W. SMITH. Did ex-Senator Chandler report that way?

Mr. COWHERD. As I remember it, all except Mr. Fleming.

Mr. SAMUEL W. SMITH. Is it not also true that the chairman of the commission, after employing that able statistician, Prof. Henry Adams, did not follow his judgment?

Mr. COWHERD. Except upon this: Professor Adams thought if you could introduce this amendment in the service, that you could introduce economies by bunching the mail; that you would not send it out as you do now—practically every fast passenger train with a mail car—but instead that you would only send out one, two, or three cars between the great cities.

There is no gentleman sitting here as a Representative upon the floor of this House that would permit such a thing to be done where you have twenty or thirty trains a day—cut off the mail cars and give the people their mail but once or twice in a day—and you know it; and yet it was said that unless you could introduce these economies in the service the rate ought not to be reduced. Professor Adams himself said—and I have here the statement made by Secretary Moody upon this subject, in which he quotes Professor Adams's opinion—that unless you could introduce these economies, in his opinion, that the pay ought not to be reduced. Now, of course, gentlemen, it is a different proposition—

Mr. HUGHES of New Jersey. Is it true, as has been stated, that the rate of pay for carrying the mail has been the same since 1873?

Mr. COWHERD. Well, I am coming to that. It is true, in fact, and yet that mere statement carries a false impression.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COWHERD. Mr. Chairman, I ask unanimous consent that I may have as much time as the gentleman from Michigan had.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that his time may be extended for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BAKER. Mr. Chairman, before the gentleman proceeds, will he yield to a question?

Mr. COWHERD. Well, yes; I yield.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. COWHERD. Yes; I yield.

Mr. BAKER. The gentleman stated in his opening remarks

that many men approached this question prejudiced against the railroads. Does the gentleman maintain that the men who have railroad passes in their pockets are not prejudiced in favor of the railroads? [Derisive laughter.]

Mr. COWHERD. "The gentleman" does not contend that, but "the gentleman from Missouri" is willing to risk before this House, on a record of seven years' service, whether or not he has been unduly prejudiced in favor of railroads [applause], and he is willing further—

Mr. BAKER. Will the gentleman yield—

Mr. COWHERD. No; I do not yield. I am going on now. He is willing further—

Mr. BAKER. Nobody believes that the gentleman from Missouri can be thus influenced.

The CHAIRMAN. The gentleman from New York is out of order, and the gentleman has transgressed the rules of orderly procedure of the House of Representatives.

Mr. BAKER. I want to call the attention—

The CHAIRMAN. The gentleman is still out of order. The gentleman from New York [Mr. BAKER] has again transgressed the rules of orderly procedure of the House of Representatives. The gentleman from Missouri will proceed.

Mr. COWHERD. Now, gentlemen, this matter, as I stated, ought to be considered on its merits and not on a question of prejudice for or against the railroads. The gentleman from New Jersey has asked: "Was the statement of the gentleman from Michigan true that the law had not been changed reducing pay?" Now, the fact is that the law is self-operating. The law was passed in 1873, amended afterwards by a 10 per cent reduction, and afterwards 5 per cent, so there is 14½ per cent reduction. But the law provides that a railroad carrying an average of 200 pounds of mail over its entire length shall receive \$42.75 per mile per annum. That railroad earns \$1.17 per ton per mile for carrying the mails, but if the next year that railroad gets to a point where it carries a ton of mail every day over its line, that same railroad earns only 35 cents per ton per mile, and when it gets to the point where it carries 300,000 pounds of mail daily per mile, average weight, over its entire length, no matter how many trains it is carried on, it drops down to a point where it earns only 6 cents per ton per mile. So you see the law itself continually reduces the pay for carrying the mails.

So much has it reduced it that during the time that the gentleman speaks of, while the percentage of reduction of pay for carrying passengers is 21 per cent and the cost of carrying freight has been reduced 44 per cent, the cost of carrying the mails has been reduced 39 per cent. Now, of course the increase of mails has been more, as a matter of fact, than the increase in freight proportionately, but the fact is that as freight increases the economies in the carrying business increase also. The improvement in the service reduces the cost of carrying, but the improvements in the mail service are along the line of increase in the cost of carrying the mails. The gentleman from Minnesota [Mr. TAWNEY] talked about the old cars in the service. To-day we are demanding in the mail service a car that weighs from 60,000 to 100,000 pounds. We put into that car an average load of only 2 tons—4,000 pounds. They put a freight car on that weighs 30,000 pounds and put 25,000 pounds of freight on it—1 pound of paying weight to 1½ of dead weight in the freight service, while in the mail service you have 20 of dead weight to 1 of paying weight.

Mr. HUGHES of New Jersey. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from New Jersey?

Mr. COWHERD. Yes.

Mr. HUGHES of New Jersey. Before getting away from that question—

Several MEMBERS. A little louder.

Mr. HUGHES of New Jersey. Before you get away from the question of the automatic reduction of the rate I would like to know if the law of 1873 or 1878 provided for that automatic reduction?

Mr. COWHERD. Certainly.

Mr. HUGHES of New Jersey. Then there has never been any change in the law?

Mr. COWHERD. There has been no change in the law, but there has been a reduction in the rates of carrying the mail 39 per cent under that law itself. Mr. W. H. Moody, the present Secretary of the Navy, and who I believe the membership of this House will join with me in saying was not only an exceedingly able but a very impartial investigator and a man of unquestioned integrity, after investigating this question thoroughly, stated in the report as his judgment that the pay for the carrying of mails was less than the railroads were earning proportionately to the service rendered for carrying freight or for carrying passengers or for carrying express.

Now, gentlemen, I want to call your attention to another proposition.

Mr. HITCHCOCK. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Nebraska?

Mr. COWHERD. Yes.

Mr. HITCHCOCK. Before the gentleman leaves that point, I want to call his attention to the fact, which is true out in the West at least, that there is a great deal of strife between the railroads as to which one shall be allowed the mail-carrying contract. I would like to ask him how he reconciles that fact with the statement that the rate they receive for carrying the mails is less than the rate received on other kinds of goods?

Mr. COWHERD. Mr. Moody stated, and I believe it to be true—that is, it meets with my judgment—that if you absolutely refused to pay the railroads of the United States a dollar they would carry the mails anyhow, and would have to carry them. They would have to carry them because the business of the country could not go on without it; the freight business could not go on without it; the passenger business could not go on without it; the express business could not go on without it; and if you absolutely wiped out all pay, Mr. Moody says, in his judgment, and I agree with him, that the railroads of the United States would in some way have to carry the mails and get their pay for it out of the other business that they do. It would go back onto the people, and the only difference would be that you would not appropriate for it here.

Mr. HITCHCOCK. Will not the gentleman answer the question? I am only asking for information.

Mr. COWHERD. I think I did answer the question. I said that the railroads are anxious for the service because it is necessary to their business. I will answer it further, although the gentleman knows that my time is restricted. It is a great advertisement to the railroads to carry through continental mail, the fast mail, and they compete for it. In addition to that, they are running a fast train anyhow, and this means only one other car that is to be put on. Considered in connection with their total receipts, this is not such a great matter to the railroads, constituting only about 3 per cent of their receipts. So if it is not a question of making fair pay, if it is not a question of giving a fair pay for a fair service rendered, but a question of how cheap you can get it, I admit that you can get it cheaper. In my opinion you can get it very much cheaper. But the question is, if the railroads now are carrying it at a fair price, and you put a price that is unfair, will they not put the burden back on the people anyhow by simply making up the deficit in some other branch of the service?

I was going to call the attention of the House to this proposition. The pay for a postal car is only a part of the pay for inland transportation on railroad routes. If this was all in one item, reading \$45,000,000, it would be practically the same as it is in the different items, and I agree with the gentleman from Michigan in that contention. But I want to say, gentlemen, when you talk about pay for postal cars being the value of the car or half the value of it, it carries no meaning whatever. You do not pay for the postal car to carry the mails. You pay for a post-office set on wheels, equipped with everything possible to make comfortable and useful the service of the man therein, and you pay for transporting that car across the roads of the country at the fastest speed possible to steam under modern conditions. That is what you pay for; it is not for the car.

The railroads said in the hearing before the Commission that if you would let them carry the mails as they carry freight, and fast freight at that, they would carry it for 10 per cent of the amount in this bill. So I want to call your attention to the fact that of this \$45,000,000 you are appropriating, practically \$40,000,000 of it is for expedition of the mails. If you simply want the mails carried as freight, if you simply want them carried in a car, held until you get a car full, taken on a train running 15 or 20 miles an hour, you can get the service done for five or six million dollars; but we have developed a system, gentlemen, through the years which makes every one of these cars a traveling post-office.

Thirty or forty years ago you took the mail at New York and put it in a car, loaded it in, and it wasn't touched until it got to the next city, Albany or Buffalo, and there it was taken out and redistributed, loaded on again, and sent to Chicago and redistributed there, and at that rate it would take two or three weeks to get a letter to San Francisco. Now, from the minute the car starts from New York there are men handling the mail, which averages only about 2 tons, for they have to have the racks and bags and the cases for separating the mail, and they are handling it every minute and every hour from the time it leaves until it gets to San Francisco, and that is the service you are paying for.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. OVERSTREET. Would the gentleman like any further time?

Mr. COWHERD. I would like to answer the question that my friend has asked me.

Mr. OVERSTREET. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Indiana asks that the time of the gentleman from Missouri be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SAMUEL W. SMITH. The gentleman from Missouri [Mr. COWHERD] has described what we pay for when we pay for a car. I will ask what we pay for when we pay for weight in addition thereto?

Mr. COWHERD. Mr. Chairman, I have said to the gentleman from Michigan [Mr. SAMUEL W. SMITH] that these two items added together constitute the railway mail pay, and that you must add them together in order to find out how much we pay for carrying the mails. I want to say that much of what I may have said was taken from the remarks of the gentleman from California, Mr. Loud, and the gentleman from Massachusetts, Mr. Moody, in the argument of this question before the House a few years ago. Mr. Moody illustrated it remarkably well when he said that if you get in a car to go from here to Boston you can pay whatever the price may be of the ticket and take your seat in the car and go through; but if you want to sleep, or if you want to work, you rent a stateroom and pay two or three times as much for it. That is what we do in carrying the mails. We pay for space, although the measure of the pay is on a basis of weight.

Mr. STANLEY. Mr. Chairman, I am very much interested in what the gentleman is saying, but he has made the remark here that the privilege of carrying the mails is of material benefit to the railroads. Now, can not that be fairly taken into consideration. In addition to that, as I understand it, a train is made up and this is simply an additional car that has to be taken into consideration.

Mr. COWHERD. Mr. Chairman, I believe that has been taken into consideration.

Mr. STANLEY. There is one other question.

Mr. COWHERD. Let me answer that. As a matter of fact, this commission found that although express companies had been cited for years as carrying packages very much more cheaply and getting the service from the railroad very much more cheaply than the Government, it was found that express companies were paying more to the railroads than the Government, that they were paying from 40 to 50 per cent of their gross receipts and then doing a lot of reciprocal service besides.

We found in addition to that, as I have said, that the passenger rates, except in certain cases immediately contiguous to large cities, where there are commutation tickets and where the trains go out and come back just at certain hours and loaded down, were much higher than the mail rate paid by the Government. That commission reported that for the service rendered the Government obtained a better contract and a better bargain than the passenger, the shipper of freight, or the shipper of express, and that the Government also got a better bargain than did the people of other countries where the conditions were such as to admit of comparison.

Mr. STANLEY. I would like to ask the gentleman another question—not in the way of contention, but for information, because I am very much interested in the able speech that he has made. In making up the calculation as to what was a fair recompense to the railroads, was it made by a comparison of freight rates and passenger rates or by an estimated amount of capital invested and the amount of money earned on that investment?

Mr. COWHERD. Mr. Chairman, no man has been able to say, either in the Government service or the railroad service or elsewhere, just what it costs the railroad to carry freight, what it costs the railroad to carry mail, or passengers, or express, and no man has been able to say what proportion of the cost of maintaining and operating a railroad should be charged up to any one of these items. For that reason nobody can say, either in the railroad service or out, exactly what the price ought to be for carrying any one particular part of the business. The comparison was made with all the business, and it was in comparison with that business, in comparison with the rates paid by foreign countries, that the commission, as I understand it, reported that the pay should not be reduced.

Mr. OVERSTREET. Mr. Chairman, I think the committee is ready to vote down the amendment, and I move that all debate on the pending amendment be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana that debate on the pending amendment be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Michigan.

Mr. SAMUEL W. SMITH. Mr. Chairman, I would like to have the amendment again read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. SAMUEL W. SMITH) there were—ayes 43, noes 71.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Mississippi [Mr. WILLIAMS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the last amendment insert:

"Provided further, That none of the sum herein appropriated shall be expended unless the annual sum paid for the service of any postal car shall not exceed 50 per cent of the cost of manufacturing the same."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that for the same reasons that I stated a moment ago.

The CHAIRMAN. The amendment offered by the gentleman from Mississippi [Mr. WILLIAMS] proposes to place a limitation upon the annual expenditures for this purpose in the bill. On reading the sections in the Revised Statutes—section 3397 to section 4005—it does not appear to the Chair that this amendment would be anything further than such a limitation as should be referred to the discretion of the committee. The Chair therefore overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I should like to say a few words on this amendment.

The CHAIRMAN. The gentleman is recognized.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the gentleman from Missouri [Mr. COWHERD] has just said that any compensation upon a percentage-of-cost rate is not founded upon a proper idea, because he says that these are not mere postal cars, but are "traveling post-offices." Now, I do not see what that has to do with this question. I do not care whether you call them traveling post-offices or postal cars. Here is a thing for the use of which the Government is paying; here is a thing which costs so much, whatever it may be; and, after all, there is this to be considered: "What is a fair return upon the investment?" Will 50 per cent pay for keeping the thing, whatever you call it, in repair and pay for depreciation and yield a fair return on the investment to the people who own the thing and rent it to the Government of the United States?

The gentleman says, and says very truly, too, that while the mail is in this car it does not go as freight does, but that it is being separated all the time. But the people who rent us this car are not separating the mail; we, through our officers, are separating it. All the labor cost falls on us.

The gentleman says that because the mail is to be separated there must be free space to work in, and less weight can be carried upon the car. That is absolutely true, but that does not go to this question at all. We pay the railroad company by weight outside of this postal-car rental. In addition to that we pay them for the use of this car. And after you are through with everything that can be said, this remains as the test of what you shall pay, what is a fair return to be paid to the people who give us the use of this car or traveling post-office, or whatever it may be, to keep it up and repair it, meet depreciation, and to pay a fair interest upon the thing itself?

Now, I say that 50 per cent of the cost of constructing the postal car will pay all that is necessary to repair it during the year, to keep it in running order, to work it, and pay all the balance of expenses, including depreciation, and at the same time will return something like 20—perhaps nearer 40—per cent per annum interest, dividend, net rent, or whatever you call it, perhaps more.

I had almost forgotten to refer to one other point. The gentleman says, and says truly, too—I agree with him and I agree with what Secretary Moody said when a Member of this House—that if these railroad companies were paid nothing for carrying the mail they would still be amply paid, because their pay would come in indirect benefit to them in their other carrying business—freight, express, and passenger. They could not carry on either without carrying on the business of carrying letters and other mail at that same time.

Mr. OVERSTREET. Mr. Chairman, it would be quite an easy matter for Congress to withhold all appropriations for these postal facilities. But if the service is to be properly administered and the public afforded the use of those facilities for the prompt dispatch and receipt of mail matter, then we should not be led astray too easily by the claim that some railroad company is receiving an exorbitant pay. A very able commission appointed by Congress in very recent years had before it this entire subject-

matter, and after a very thorough and careful investigation made such a report upon it that Congress did not undertake to consider even the advisability of reducing these rates.

I wish to call the attention of the committee to the personnel of that Commission. Such Senators as Senator ALLISON, Senator Wolcott, Senator Chandler, Senator MARTIN, and such Members of the House as Mr. Loud, Mr. Moody, Mr. Fleming, and Mr. Catchings composed that Commission, which, after many months of investigation, made a report to Congress in many volumes, and declared, with no dissenting voice except that of Mr. Fleming, that they would not recommend any reduction in these rates.

What is this appropriation now before the committee? It is, as my friend from Mississippi says, for the rent of post-office cars. Not at all. It is for the use of traveling post-offices—not cars costing a few thousand dollars, standing upon a lot, to be occupied by some individual—

Mr. WILLIAMS of Mississippi rose.

Mr. OVERSTREET. I will yield in a moment—but cars for the use of the Post-Office Department, cars traveling from one end of the line to the other, under the same protection of the laws, subject to the same rules, which govern our post-offices in this country. Now I yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Is not an annual payment for the use of anything a rental of the thing, no matter what the thing is?

Mr. OVERSTREET. Not necessarily, by any means.

Mr. WILLIAMS of Mississippi. What would you call it?

Mr. OVERSTREET. I do not want to discuss the definition of the word "rental." I am quite content that Members should understand, as I believe they do, what this appropriation is for. Now, what does it amount to? It amounts in round numbers to about 4 cents per mile traveled for the use of these cars. These cars not only carry that mail for which they are paid by weight, but they carry the equipment, the opportunities for the services of the post-office clerks, and the railroad companies keep all the equipment and the cars in repair.

Gentlemen, does the Pullman Car Company pay railroads for hauling its cars? Not at all. The railroad companies pay the Pullman Company at the rate of about 2 cents a mile traveled for the privilege of hauling its cars for the accommodation of the public, and the Pullman Car Company maintains its own repairs to cars. Under this appropriation you pay just about what is equal to double pay by weight for the post-office cars. That is to say, mail carried upon a full railway postal car, such as is provided for in this appropriation, pays about twice as much as mail not carried in a railway postal car, because the accommodations which the company give to the railway postal clerks, the equipment which they provide for the quick distribution of the mail in transit in order that it may be quickly delivered to the persons to whom it is sent, require more care and more space than the cars where there is not a full crew for distribution, as there is in a railway postal car.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. OVERSTREET. I move to close debate upon the pending amendment.

The CHAIRMAN. The gentleman from Indiana moves to close debate on the pending amendment.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

The question being taken, on a division (demanded by Mr. WILLIAMS of Mississippi) there were—ayes 46, noes 71.

Mr. WILLIAMS of Mississippi. Tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. OVERSTREET and Mr. WILLIAMS of Mississippi.

The committee again divided; and the tellers reported—ayes 59, noes 80.

Accordingly the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I have an amendment following the amendment which was adopted a short time ago.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the amendment already adopted the following:

"And provided further, That no part of said appropriation shall be expended after January 1, 1905, for the use of any new cars in the railway postal service that have not been constructed wholly from steel, or steel and wood, and constructed under rules and regulations prescribed by the Postmaster-General."

Mr. OVERSTREET. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Indiana will state it.

Mr. OVERSTREET. I want to know what effect this amendment will have upon the amendment last adopted. If this amendment should be voted down, will it carry out of the bill the other amendment which was offered by the gentleman from Minnesota,

or will it affect it in any way? It seems in part to modify the former amendment.

Mr. TAWNEY. Not in the least. This relates to cars to be hereafter employed—new cars; the other relates to cars now in the service.

Mr. CLARK. Mr. Chairman, we should like to have that amendment reported again.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment offered by the gentleman from Minnesota.

The amendment of Mr. TAWNEY was again read.

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order upon that amendment.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. COWHERD. May I ask the gentleman a question?

Mr. TAWNEY. Yes.

Mr. COWHERD. Would it not be better to amend that amendment by striking out the words "steel, or steel and wood?" There may be some material better than either; and I am informed that the Second Assistant Postmaster-General now has before him some plans lately prepared by some of the master builders.

Mr. TAWNEY. I would say, Mr. Chairman, that the Second Assistant Postmaster-General informed me this week that they now have in course of construction two steel cars. The master builders, however, who recently met in Chicago for the purpose of considering this matter of car construction, especially with reference to the Railway Mail Service, were of the opinion that possibly, on account of the noise incident to steel construction, that kind of car might not be adapted to the service, and that they could build a car of steel and wood that would give it the requisite strength and at the same time afford every facility for the railway postal clerk to perform his duties without the annoyance of the noise incident to a solid steel car.

I notice in his report to Congress he makes substantially the same suggestion. Now, the purpose of this amendment is simply to fortify the Department in what it is now doing, and relates wholly to new cars put into the service after January 1.

Mr. OVERSTREET. Will the gentleman yield to a question?

Mr. TAWNEY. Certainly.

Mr. OVERSTREET. I want to inquire of the gentleman from Minnesota if he believes that should his amendment prevail that the cost of the construction of cars of steel, and steel and wood, in line with his amendment, would not necessarily be increased because of the larger cost of construction?

Mr. TAWNEY. I do not know whether or not it would be used by the railroad companies as a reason for demanding a higher rate of pay for the use of the cars handling the mail. I do know this, the Department now has under construction, or they have adopted plans and the cars are in process of construction, two steel cars. I take it that this matter of cost—

Mr. WILLIAMS of Mississippi. Who has them under construction?

Mr. TAWNEY. The Department has approved the plans and they are being constructed by some car company.

Mr. WILLIAMS of Mississippi. I thought you said the Government was having them constructed?

Mr. TAWNEY. Oh, no.

Mr. OVERSTREET. It would no doubt result in certain changes of the regulations relative to the cars if they were to be built only of steel or steel and wood.

Mr. TAWNEY. I will say that, under my amendment, they are to be built under rules and regulations prescribed by the Department.

Mr. LACEY. Will the gentleman permit me to ask him a question?

Mr. TAWNEY. Certainly.

Mr. LACEY. How many of these postal cars does the Government now use?

Mr. TAWNEY. About 1,000.

Mr. LACEY. It would require the Department to entirely replace the cars now in the service between now and the 1st of January.

Mr. TAWNEY. It does not replace a single car that is in the service to-day; the amendment relates only to new cars hereafter used in the service.

Mr. LACEY. It is only the new cars?

Mr. TAWNEY. It only applies to the new cars.

Mr. WILLIAMS of Mississippi. I desire to ask the gentleman from Minnesota, from our experience as legislators here, does not the gentleman think that it would only result in the railroad people coming to Congress and demanding an increased rental?

Mr. TAWNEY. Well, I do not know whether they would demand increased rental or not, but if they do is that any reason why we should not insist upon the best cars?

Mr. WILLIAMS of Mississippi. Give us your opinion.

Mr. TAWNEY. Well, I will say to the gentleman from Mississippi my own opinion is that a car built partially of steel and partially of wood will not cost a great deal more than the same character of cars that are now being built.

Mr. CLARK. I want to ask the gentleman a question with respect to these cars that have been ordered to be constructed. Is there any use to be made of the Pullman patent in that matter?

Mr. TAWNEY. That I can not answer, but I imagine not.

Mr. CLARK. If they advise the steel postal cars, is their construction to be left open to all the car builders of the country?

Mr. TAWNEY. I presume so, just as it is now. I will read what the Second Assistant Postmaster-General said:

In order that a more thorough investigation as to the latest and best construction, approved by master car builders and others, might be made, I directed the General Superintendent Railway Mail Service to secure, through the several division superintendents, the latest information and suggestions obtainable, with a view to still further improvements in the line of construction. The question as to whether all-steel cars would be preferable to cars constructed of wood and steel is being considered. Thus far the consensus of opinion is in favor of the combination wood and steel as against the all-steel construction. I refer to this subject only to show that this office is giving the matter the most careful consideration possible.

This amendment is for the purpose of fortifying the Department and giving the railroad companies to understand what the sentiment of Congress is in respect to the matter of better construction and strength of the car on which the postal clerks are employed.

Mr. OVERSTREET. I should be glad to have a ruling on the point of order.

Mr. TAWNEY. If the gentleman desires to discuss the point of order—

Mr. OVERSTREET. Why, the gentleman from Minnesota, Mr. Chairman, admits that if this amendment should prevail it would necessitate changes in the regulations of the Department in order to conform to the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. OVERSTREET. Mr. Chairman, I now ask to return to lines 4, 5, and 6, in order that the gentleman from New Jersey may offer an amendment which he had not prepared at that time. That was to be done when line 21 was passed.

The CHAIRMAN. The committee will now return to the paragraph ending at line 6, page 15, to permit the gentleman from New Jersey to offer an amendment.

Mr. OVERSTREET. I understand the gentleman will wish to withdraw his former amendment.

Mr. HUGHES of New Jersey. I withdraw it with the understanding that the point of order would not be raised to the amendment that I am to offer.

The CHAIRMAN. Without objection, the gentleman from New Jersey will withdraw his amendment.

Mr. HUGHES of New Jersey. I withdraw the former amendment, and offer the amendment here as an amendment in lieu of that which I have withdrawn.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15, line 6, insert:

"Provided, That hereafter no contract shall be entered into by the Post-Office Department for purchase of material or supplies to be manufactured by convict labor."

Mr. OVERSTREET. I have no objection to that.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Railway Mail Service: One general superintendent, at \$4,000; 1 assistant general superintendent, at \$3,500; 1 chief clerk, office of general superintendent, at \$2,000; 1 assistant chief clerk, office of general superintendent, at \$1,800; 11 division superintendents, at \$3,000 each; 11 assistant division superintendents, at \$1,800 each; 5 assistant superintendents, at \$1,800 each; 23 assistant superintendents, at \$1,600 each; 125 chief clerks, at \$1,600 each; 247 clerks, class 6, at not exceeding \$1,500 each; 1,216 clerks, class 5, at not exceeding \$1,400 each; 517 clerks, class 4, at not exceeding \$1,300 each; 1,691 clerks, class 3, at not exceeding \$1,200 each; 1,518 clerks, class 2, at not exceeding \$1,100 each; 4,131 clerks, class 1, at not exceeding \$1,000 each; 1,989 clerks, class 2, at not exceeding \$900 each; 789 clerks, class 1, at not exceeding \$800 each; in all, \$12,951,210. And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. LIVINGSTON. Mr. Chairman, for the purpose of eliciting some information from the chairman of the committee in regard to this section now under consideration, I send to the Clerk's desk, to be read in my time, an editorial from the Atlanta News.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to have read in his time—

Mr. LIVINGSTON. Mr. Chairman, I do not ask unanimous consent. I ask it in my right.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word and asks to have a newspaper article read in his time in the debate on that motion.

The Clerk read as follows:

RAILWAY MAIL FACILITIES.

On yesterday a dozen railway postal clerks might have been seen busily engaged assorting a carload of delayed mail under the Whitehall viaduct,

which by right should have been on its way throughout Georgia, Alabama, and other Southern States at least twenty-four hours before.

These men were working with energy, but were making a futile fight against time. The people along the lines of railroads where this mail should have been many hours earlier were waiting impatiently, but in vain.

We are informed that many of these clerks had just reached the city after a hard and severe journey, and by reason of this accumulated mail were compelled to work at least five or six hours overtime.

The only excuse for this condition of affairs, it seems, is the totally inadequate number of railway mail clerks employed to carry on the vast volume of business committed to their charge. Not only newspapers, but letters in great numbers were congested at this point, and subscribers were compelled to wait until their papers were a day old before getting the news, while their letters were causelessly delayed for twenty-four hours.

We have no desire to be captious and critical in the matter, but it does seem that when the limited facilities for handling the mails are confessedly the cause of this congestion and delay, which has occurred not only once, but many times, it is plainly the duty of the Railway Mail Service to increase its force of postal clerks and give the people the service they demand and to which they are justly entitled. It is vexatious and embarrassing in the highest degree to be forced thus to wait for hours, and, as in this instance, a full day, longer than necessary to get one's mail. It is not only productive of impatience, but frequently results in actual monetary loss.

This great and growing center of distribution is entitled to an up-to-date service in everything. Surely the Government of the United States, least of all, should not be behindhand, and it is hoped, in the interest of the overworked clerks and the disappointed public, that these facilities will be promptly and adequately increased.

Mr. LIVINGSTON. Mr. Chairman, I want to ask the gentleman in charge of the bill, if I can secure his attention for a moment, if there is any provision in this bill for increase of railway mail clerks?

Mr. OVERSTREET. Oh, yes, about 1,000 increase.

Mr. LIVINGSTON. Now, will that avoid a congestion similar to the one we have just heard read?

Mr. OVERSTREET. Well, we hope that it will. Of course we can not foresee what congestions in the mail by reason of the increased volume in business that year will be. We have asked for a thousand, undertaking with reasonable accuracy to meet that condition.

Mr. LIVINGSTON. One other question. May that congestion occur for the want of proper distribution of these clerks on different lines of roads, and can the fault be found in the Post-Office Department?

Mr. OVERSTREET. Well, that I do not know. I am inclined to think that the administration of the Railway Mail Service is very able.

Mr. LIVINGSTON. Then there is a desperate want that ought to be met.

Mr. OVERSTREET. I do not know anything about that particular instance. I do not know the locality of it and I do not know what the conditions are. These things arise occasionally. We have provided in this bill for a temporary service. It is a new item and I think will in a large measure meet the situation. The gentleman will appreciate how difficult it is—

Mr. LIVINGSTON. I understand it.

Mr. OVERSTREET (continuing). To distribute the clerks according to grades. We, therefore, suggest for the first time an appropriation of \$50,000 for temporary clerks which may be used, or, in other words, an appropriation which may be drawn, to meet a temporary emergency which sometimes occurs most unexpectedly.

Mr. LIVINGSTON. Now, then, do I understand that temporary clerks go out, for instance, from a city like Chicago and meet trains—

Mr. OVERSTREET. In any way to meet emergencies that may arise.

Mr. MANN. Mr. Chairman, I rise to oppose the motion of the gentleman from Georgia, to strike out the last word, and I would like to ask—

Mr. LIVINGSTON. I withdraw the amendment.

Mr. MANN. You can not withdraw it without consent, and I object.

The CHAIRMAN. The gentleman from Georgia withdraws the amendment—

Mr. MANN. I object. I oppose it. May I ask the gentleman if the last sentence of this paragraph is a new proposition or has it been in the appropriation bill heretofore?

Mr. OVERSTREET. No; for this reason, as I will explain. It has been in other bills, and the purpose of it is this: The appropriation for the various numbers of clerks of respective grades which the committee has just heard read is for use during the year. All of them would not be appointed on the 1st day of July. The appropriation would not be sufficient to appoint all of the clerks suggested in this bill on the 1st day of July for service during the entire twelve months.

Mr. MANN. That sentence does not help that out.

Mr. OVERSTREET. That sentence helps it out to this extent, that the clerks designated thereunder shall be made during the fiscal year so as not to involve a greater aggregate expenditure than this sum. For example—

Mr. MANN. Would the gentleman claim that under that sen-

tence the Department could employ more clerks of a particular class than the appropriation itself authorized?

Mr. OVERSTREET. No; it does not.

Mr. MANN. Then how does it help it out?

Mr. OVERSTREET. It helps in this way: They may need, for instance, a larger number of clerks of the nine-hundred, ten-hundred, or eleven-hundred dollar grades throughout a greater portion of the year than they will need clerks of twelve hundred dollars, fourteen hundred dollars, or sixteen hundred dollars.

Mr. MANN. Then they can not appoint any more of the twelve-hundred-dollar-grade clerks than are carried in the act.

Mr. OVERSTREET. No; but if the gentleman will take his pencil and paper and calculate the exact number of all the clerks of all these grades for all the year, it will make a larger amount than is carried in the item, and the purpose of the closing language of that section is simply to guard against a larger expenditure during the entire year than the total appropriation.

Mr. MANN. Well, the gentleman knows that they have no authority under the law to spend any more money than is appropriated.

Mr. OVERSTREET. I fear I fail to make myself clear.

Mr. MANN. No; I understand what the gentleman says.

Mr. OVERSTREET. Not if you are in doubt about it, because I am not in doubt about it.

Mr. MANN. Well, it may be a difference in judgment.

Mr. OVERSTREET. I think it is a difference of understanding of the facts. What I mean is this: That the bill carries authority for the use of so many clerks of so many grades, and they can not use any more clerks of the respective grades than we provide in the bill; but because all of the clerks of all of the grades will not be used for all of the year, they make a less appropriation than would be the case if all of the clerks were used all of the year.

Mr. MANN. But they can not use all of the clerks for all of the year.

Mr. OVERSTREET. No; they can not, and that is what I mean.

Mr. MANN. The gentleman from Georgia just gave an instance. There is not a single Department of the Government that does not come in with a deficiency item and get a deficiency appropriation. Here is a branch of the service that is growing. The fourth-class postmasters get a deficiency, the rural free delivery has always got a deficiency appropriation since it started, and most all other branches of the service get a deficiency appropriation. Here is a provision that no matter how fast the postal service grows you can not have a deficiency appropriation.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last two words, to ask the gentleman from Indiana a question. How many railway postal clerks does the Department recommend?

Mr. OVERSTREET. The Department recommended about fifteen hundred, and at the same time asked of the Appropriations Committee of the House for authority to employ during the present fiscal year 300. They asked that 300 be distributed through certain grades, but Congress ultimately granted authority for them to employ an additional 300 during the present fiscal year of the lower grades. They stated they had money enough. Now, if you take the 300 which have been authorized since their recommendation of fifteen hundred from their estimate, it leaves about twelve hundred, and the committee gives them 912.

Mr. TAWNEY. The figures furnished me by those familiar with the service shows that the clerks asked for for the fiscal year 1904-5 were 12,740. Those allowed by the pending bill amount to 12,098; so, according to that, you have given the railway postal service 642 less clerks than the Department has asked for.

Mr. OVERSTREET. I repudiate that information. We get our information from General Shallenberger and Mr. Stone, his efficient chief clerk.

Mr. TAWNEY. The Department makes the same analysis of the pending bill and recommendations I have just stated, that the committee has given to the railway postal service about 640 men less than the Department asked for.

The Clerk, proceeding with the reading of the bill, read as follows:

For acting clerks, in place of clerks injured while on duty, and to enable the Postmaster-General to pay the sum of \$1,000, which shall be exempt from the payment of debts of the deceased, to the legal representatives of any railway postal clerk or substitute railway postal clerk who shall be killed while on duty or who, being injured while on duty, shall die within one year thereafter as the result of such injury, \$110,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "deceased," in line 14, page 17, insert the following: "to the widow and children of the deceased, and in case there is no surviving widow or children, then."

Mr. OVERSTREET. Mr. Chairman, I make the point of order to that.

Mr. TAWNEY. The point of order, if one would lie at all, would lie to the whole paragraph.

Mr. OVERSTREET. If the gentleman wants to take it all out, take it out.

Mr. TAWNEY. It is too late to take it out now. I would say, Mr. Chairman, the amendment proposes to give this benefit of \$1,000 directly to the widow and children of the deceased railway postal clerk. As the bill is drawn, that \$1,000 goes to the legal representatives of the deceased clerk, exempt from the payment of debts or liabilities he may have at the time of his death.

Every man knows that a postal clerk killed in the service, or if he dies from injuries received in the service within the limit of time fixed by this bill, who leaves a widow and children, are necessarily the very ones that the Congress of the United States intended should be the beneficiaries of the appropriation, and not the legal representatives. It would go in this case to the executor or administrator in the first instance, and would then be distributed to the widow and children, if there are any.

Mr. OVERSTREET. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. OVERSTREET. I made a point of order, and I hope the gentleman will address his remarks to the point of order.

The CHAIRMAN. The gentleman from Minnesota will confine himself to the point of order.

Mr. TAWNEY. I understood the gentleman to reserve the point of order.

The CHAIRMAN. No; the gentleman made the point of order.

Mr. TAWNEY. Mr. Chairman, I do not know on what ground the gentleman from Indiana bases his point of order, but I will say that the amendment which I proposed is merely to make more definite and certain the intention of the proposition which is contained in the bill.

It is not new legislation; it does not change existing law; it merely makes definite and certain that the amount which we propose as a benefit to the widow and children of the railway postal clerks shall go to them rather than to the legal representatives of the deceased, and in the event of there being no widow or children, then it goes as the committee here proposes. Now, it is merely an interpretation of what the committee itself proposes and is construing the real intent of the committee, which is vague and indefinite under the language of the committee. In other words the amendment perfects this paragraph of the bill. I do not know upon what ground the gentleman from Indiana [Mr. OVERSTREET] makes his point of order, but it seems to me that in view of the fact that it is a mere interpretation of the paragraph, a mere carrying out or making definite and certain that which the Congress of the United States intends, it is not and can not be subject to a point of order.

Mr. OVERSTREET. Mr. Chairman, I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OVERSTREET. I am afraid that if the point of order should be sustained, it would necessarily be sustained as to the whole paragraph, and I confess that I do not want to make so strong a point.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that there is no danger of that contingency arising, because the paragraph having been passed by unanimous consent, even though it were originally subject to the point of order, is now before the committee for perfection, and the Chair finds a long line of unanimous decisions to that effect. It does not become necessary for the Chairman to pass upon whether the amendment would have been obnoxious to the point of order if it had been made under other circumstances. The paragraph is before the committee for perfection. The Chair therefore overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

Mr. OVERSTREET. Mr. Chairman, I suggest for the information of the committee that the Clerk again report the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again reported the amendment.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana has the floor.

Mr. LIVINGSTON. Mr. Chairman, I would ask the gentleman from Indiana [Mr. OVERSTREET] if he will accept the language "legal heirs?" That covers the mother, wife, and children.

Mr. OVERSTREET. I do not know what the gentleman means by "legal heirs."

Mr. LIVINGSTON. I do not know what the gentleman means when he says "legal representatives."

Mr. OVERSTREET. The term "legal representatives" is different from the term "legal heirs."

Mr. TAWNEY. Mr. Chairman, I am perfectly willing to strike

out the words "legal representatives" and let the appropriation or benefit go to the widow and children alone, and if there is no widow or children, then the Government would not have anything to pay.

Mr. OVERSTREET. Mr. Chairman, this method of providing an appropriation of about \$1,000 to railway postal clerks who lose their lives while on duty is an absolute gratuity on the part of the Government. It is in the nature of an insurance; it is in the nature of a gift, an extra amount in view of the hazardous condition of the service which they perform. The Government last year and the year before expended a limited sum in this method of expenditure. I am not questioning the wisdom nor the propriety of such an appropriation, but gentlemen must remember that the Government is entitled to some kind of a safeguard as to the manner of its expenditure. Are we, Mr. Chairman, in the expenditure of this sum to permit the governmental officers to pay the thousand dollars to the first individual who asks for payment? The method of payment to the legal representatives is simply for the purpose of safeguarding the interests of the Government and guaranteeing to the Government that it has paid the thousand dollars to somebody who is within reasonable touch of the representatives and the heirs of the deceased postal clerk.

Mr. THAYER. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. OVERSTREET. Yes.

Mr. THAYER. Would it not be far easier for one to ascertain who was the widow and children of a deceased man than to find who were his legal representatives?

Mr. OVERSTREET. How are we to determine that? Who is to decide who is the widow and the children—the Postmaster-General? Is he to organize a court of inquiry? We simply provide here, as the law has always provided, that upon presentation of letters of administration showing some officer of a court entitled to receive the money, that then the money will be paid to him, and then the identification of the widow or of the heirs of the deceased will be made. The State courts determine the heirship. They may identify in their own way who is the widow. The gentleman, I think, will agree with me that it is an unfair burden to put upon the Department to have it decide between contending claims of heirs. Different States have different laws regulating the method of identification and of heirship. Now, we seek to pay this money over to the nearest possible representatives of the deceased clerks, providing that it shall not be liable for their individual debts.

Therefore we simply limit it to the legal representatives. If the clerk has made a will under any State law and it has been filed or entered for probate, the money would be paid to the executor named in the will. If there is an administrator, it will be paid to him. The law of the State would control as to its distribution.

Mr. THAYER. If the deceased left only brothers or sisters, would you give the \$1,000 to them?

Mr. OVERSTREET. If there were a dependent brother or sister or mother or father, I would say "yes." The very fact that we are making a gratuity here is enough to show that we are going to a considerable length and are taking some chances.

The only instance that has been called to my attention individually in the way of finding fault with this language was in a case where they did not want the money to go to the widow of the deceased clerk because he had been separated from her on account of the moral character of the woman. They did not want her to have the money. But is the Postmaster-General to sit in judgment as between the widow of a clerk who has been separated from him without divorce and the dependent sister or the dependent mother?

Gentlemen will see the many difficulties, and to what extent these difficulties will pile up. When you come to analyze the matter, the only safe or fair way is to pay the money to some legal representative.

Mr. TAWNEY. Suppose you paid the money to some legal representative, then if the deceased clerk leaves a widow (I care not how immoral she may be or whether she is living with him or not) would not that legal representative be obliged, under your own bill, when the estate of the deceased clerk is settled, to pay the money over to her?

Mr. OVERSTREET. The same thing is true under the language of the gentleman's own amendment. There is no difference.

[Here the hammer fell.]

Mr. PERKINS. Mr. Chairman, the amendment in the shape offered by the gentleman from Minnesota [Mr. TAWNEY] would lead to serious trouble. In almost all cases the legal administrator would divide the estate between the widow and the children. But the amendment of the gentleman from Minnesota merely says that the money shall be paid to the widow and children. In

what proportion? Is the widow to get it all, or are the children to come in for a share? If we are to make provision for the payment of this \$1,000, we must make it in proper legal shape.

I think the gentleman from Minnesota will agree with me that under the amendment in the shape in which he has offered it there is no certainty as to how this money shall go or how it will be divided. It is to be paid to the widow and children. In what proportion? In what manner? Who is to decide that question? What shall be done with respect to the minor children? Certainly the bill as offered by the committee, which sends the money to the legal representative, is in far better shape to accomplish even what the gentleman from Minnesota desires.

Mr. TAWNEY. Mr. Chairman, the difficulty suggested by the gentleman from Indiana, in ascertaining who the widow is, is answered entirely by the practice of the Pension Bureau of the Department of the Interior in the administration of the pension laws. When a pensioner dies the accrued pension is paid to the widow. There is never any difficulty about ascertaining who the widow is. Or, if there is a doubt about that, then in the settlement of the estate there is an adjudication as to who the widow and lawful heirs of the deceased are.

Now, it may be that the postal clerk leaves no estate whatever to be settled; it may be there is nothing except the \$1,000 gratuity which the Government pays him. Are you going to deprive the widow and children of so much of this gratuity as may be necessary to administer the estate and pay the expenses of the probate court? The amendment I have offered would authorize the Postmaster-General to pay the amount to the widow and to the children direct.

Mr. OVERSTREET. Will the gentleman allow a question?

Mr. TAWNEY. Yes, sir.

Mr. OVERSTREET. Who would pay the expense on the part of the Government in ascertaining who the widow and the children were?

Mr. TAWNEY. Who pays the expense on the part of the Government in ascertaining who the widow of a deceased soldier is?

Mr. OVERSTREET. The Government pays it. Does the gentleman look upon this item as a civil-pension arrangement?

Mr. TAWNEY. It is practically upon the same line.

Mr. OVERSTREET. I think not.

Mr. TAWNEY. Practically on the same line. What else is it but a gratuity?

I insist, Mr. Chairman, that the amendment ought to be adopted; otherwise there will be an expense incurred in the administration of the estate. The widow may have two or three or four small children. Is this sum of \$1,000 to be distributed among the minor children so that she gets no benefit from it, although she may be obliged to maintain and provide for those children until they are able to provide for themselves? The money in that case is paid over to the guardian of the children, and only the income derived from that money can be used for maintaining the children during the time of their minority.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on the pending item and amendments thereto be now closed.

Mr. BREAZEALE. Mr. Chairman, before the gentleman does that, will he permit me to say a word on this subject?

Mr. OVERSTREET. On which side?

Mr. BREAZEALE. In favor of that proposition.

Mr. OVERSTREET. Then I think we had better go on. [Laughter.]

Mr. BREAZEALE. No one has said anything on this side.

The CHAIRMAN. The gentleman from Indiana moves that all debate on the pending paragraph and amendments thereto be now closed.

Mr. GRIGGS. I hope the gentleman will withdraw that motion.

Mr. OVERSTREET. I move that all debate be closed in three minutes.

Mr. BUTLER of Pennsylvania. My colleague [Mr. KLINE] desires to speak. I ask him to make the time six minutes instead of three.

Mr. GRIGGS. Make it six.

The CHAIRMAN. The gentleman from Indiana has the floor.

Mr. OVERSTREET. I move that in six minutes the debate on this paragraph and the amendments be closed, three minutes to go to the gentleman from Louisiana [Mr. BREAZEALE], two minutes to the gentleman from Pennsylvania [Mr. KLINE], and I will reserve one minute to myself.

The CHAIRMAN. The gentleman moves that all debate be closed in six minutes. Is there objection?

There was no objection.

Mr. BREAZEALE. Mr. Chairman, I want to say that under the civil law as it obtains in several of the States, and especially under the law of Louisiana, and as I am told by one of my friends here under the law of Texas also, under the present provisions of this bill this \$1,000 would go to the forced heirs of the deceased clerk, and his widow would get nothing. His children, his

mother, or his father, and in default of them his collateral relations, would get it all and the widow would get nothing.

Mr. LACEY. Why don't you amend the laws of Texas and Louisiana, then?

Mr. BREAZEALE. I am speaking of the civil law of Louisiana and other States.

Mr. LACEY. I say, why don't you amend the laws of Louisiana?

Mr. BREAZEALE. We can not do that now. Hence I say the amendment of the gentleman from Minnesota [Mr. TAWNEY] should be agreed to, because it provides that some of this fund, which, as he says, is an insurance for the life of the postal clerk, shall go to the widow. That is all I have to say, and that is why I am in favor of this amendment.

Mr. KLINE. Mr. Chairman, I am opposed to the verbiage of the section in this bill between lines 11 and 18, both inclusive, on page 17, without an amendment. I am not opposed to the gratuity intended to be granted to the family of those who may be so unfortunate as to lose their lives in the performance of their duties while in the Railway Mail Service. Construing this section technically and legally, the gratuity can be transmitted no further than to the legal representative of such unfortunate decedent. This section contains no transmission or succession of this gratuitous fund out of the hands or custody of the legal representatives of such decedent. The intention must be inferred. The beneficiaries contemplated by this section may be the widow and children of the decedent, but not sufficient is contained in the section to legally make them beneficiaries of this gratuity.

If the section could be construed for anything, to that extent the legal representatives of the decedent would be required to pay and distribute such gratuity to the legal heirs of such decedent, and should he die without widow or children, the same would, under such interpretation, descend to his collateral heirs, which certainly is not contemplated by this section. The beneficiaries intended to be benefited by this section are the surviving and dependent widow and children of such decedent. Sufficient is not contained therein to make them beneficiaries.

Every lawyer knows what is meant by legal representatives. It means no more than the executor or executors, administrator or administrators of the decedent, or those acting in a representative capacity for the decedent. It is true that in the construction of wills the courts have held that the testator when using the words "legal representatives" intended to use the words "legal heirs," and in many instances it has been held that when the testator bequeathed property to legal representatives he intended to give his estate to legal heirs, and the same was distributed to those standing in the relation of legal heirs.

But we are not distributing an estate under a will containing ambiguous terms, where we are asked to ascertain the beneficiaries of a testator's bounty, when he nominally makes "the legal representatives" his legatee or legatees. Under this section, as before stated, the gratuity passes into the hands of the legal representatives of such decedent. Under objection, the same could not pass out of his hands or custody. As I understand the intention of this section, under a most violent construction, this money is to pass, descend, or is to be paid to the surviving widow or children of a decedent. This could not be done. It would at best have to be paid to the legal heirs of decedent by his legal representatives. When such decedent dies without widow or children, as before stated, it is not intended that collateral heirs should have the benefit of this bounty or gratuity.

The Government does not intend to hunt up the widow or children of a decedent or his legal heirs, and thus this death fund may be properly payable to decedent's legal representatives (who is or are under bond faithfully to appropriate all moneys that may come into his or their hands belonging to the decedent's estate), who can then pay said gratuity unto the parties intended to be the beneficiaries under this section.

In order that the provisions of this section may be clear and that the proper persons intended to be benefited may, without doubt or ambiguity, receive the fund contemplated in case of the death of a railway postal clerk while in the service, I offer the following amendment to the amendment offered by the gentleman from Minnesota, by adding the following words after the word "dollars," in line 18, on page 17 of this bill:

And such legal representatives shall pay and distribute the money thus received unto the surviving widow and children of such decedent in accordance with the intestate laws of the Commonwealth in which such decedent resided at the time of his death.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the pending amendment, which he will please send to the desk to be reported by the Clerk.

The Clerk read as follows:

Add to the amendment the following:

"And such legal representatives shall pay the sum received unto the surviving widow and children, in accordance with the interstate laws of the State in which such decedent may reside."

Mr. OVERSTREET. Mr. Chairman, I do not know how many lawyers there are in this body, but I will submit that if we refer this question to the lawyers who are Members of this body, there would be as many different propositions brought in here as there are lawyers. Now, the distribution of this fund has been working very well under the present law. There is no difficulty at all now, and there is no complaint that has been called to the attention of Congress. It is working in a fair and feasible manner. If, therefore, you undertake now to change the phraseology, you will not satisfy anybody except the person offering the amendment. This is the language which has been in the law since it was first authorized, except the provision which we make that it shall be exempt from the payment of debts.

I now ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. KLINE].

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. KLINE demanded a division.

Mr. MANN. Mr. Chairman, I ask that the amendment may be reported again. It has never been heard.

The amendment was again reported.

Mr. GOLDFOGLE. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. For the purpose of putting a question to the gentleman from Pennsylvania.

The CHAIRMAN. Debate has ceased under general order of the committee. The only question is on agreeing to the amendment to the amendment offered by the gentleman from Pennsylvania.

The question was put; and the Chairman announced that the yeas appeared to have it.

Mr. OVERSTREET. I ask for a division.

The committee divided; and there were—yeas 31, noes 82.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

For inland transportation of mail by electric and cable cars, \$550,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing said service.

Mr. WANGER. Mr. Chairman, I have an amendment to offer.

The Clerk read as follows:

Insert in line 16, page 18, after the syllable "ceed," the following: "by more than 33½ per cent."

Mr. OVERSTREET. I make the point of order against that.

The CHAIRMAN. The gentleman from Indiana makes the point of order against the amendment.

Mr. WANGER. Will the gentleman reserve the point of order for a moment?

Mr. OVERSTREET. I will reserve it.

Mr. WANGER. Let me explain to the committee that this amendment is recommended by the Second Assistant Postmaster-General.

Mr. OVERSTREET. I have never heard of it. No such recommendation has ever come to Congress or to the committee.

Mr. WANGER. I understood him to say that it had.

Mr. OVERSTREET. Not unless it came to-day.

Mr. WANGER. I am speaking of a conversation possibly a week since. I understand that in his presentation of the needs of his bureaus for this service the Second Assistant Postmaster-General stated that the practicability of getting the companies generally which operate electric cars to carry the mail has been hampered and limited by reason of the inadequate compensation which the Department was permitted to grant. When this matter first came before the Department, and the proposition was made to carry the mails by electric street-railway cars, a certain rate of compensation, as I understand it, was agreed upon between the Department and the street-railway companies. Then, in some way or other a limitation was arbitrarily put upon the appropriation for the then current year, cutting it down one-fourth.

Thereupon some of the companies were willing, notwithstanding the reduction in compensation, to carry the mail. Many of them have grown weary. Many of them are willing to continue temporarily to carry the mail, because it has been suggested to them that some reasonable rate of compensation would be given them. Many of them have declined to carry the mail; and along many of the star routes there are electric railway cars going at high rates of speed which could accelerate the mail service to many suburban communities, but those communities are denied the benefit of the service simply because the companies decline to bother with the mails at the inadequate compensation which is fixed by reason of the limitation upon this particular appropriation.

Now, it seems to me, especially if I am right in supposing that the Department has stated this situation to the committee and has recommended that this limitation be taken off, that if the compensation is increased by 33½ per cent, which is in accordance with that suggestion, and the reason for naming 33½ per cent is that it will be just the same (if Members will consider that the existing compensation is reduced one-fourth of the compensation originally agreed upon), that we will thereby be materially aiding the service. The simple restoring of the rate of compensation to what was originally believed to be proper would now enable the Post-Office Department to secure the very valuable assistance of these electric railway cars in expediting the delivery of the mails where it is now denied, and in many instances where it will in the near future be still further denied if this greater but reasonable compensation is not permitted to be made.

Mr. OVERSTREET. Mr. Chairman, I think the amendment is clearly subject to the point of order. The item which is carried in this bill in lines 14, 15, and 16 on page 18 is in just the same words exactly as when the bill passed last year, the year before, and the year before that. So that the proviso that the rate of compensation per mile shall not exceed the rate now paid—that is, at the time that the bill became law—would be existing law. That rate is based upon the rate fixed a number of years ago.

Mr. WANGER. Only by way of limitation upon a particular appropriation.

Mr. OVERSTREET. That may be.

Mr. WANGER. Upon each particular appropriation.

Mr. OVERSTREET. But, nevertheless, the law to-day in the bill passed for the fiscal year 1904 contains the provision.

That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing said service.

That is the law now. If, therefore, in this bill, which seeks to make appropriations for the fiscal year 1905, a limitation is offered which will increase that rate, it is necessarily in violation of existing law.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks that the proviso in lines 14 to 16, inclusive, applies only to this bill, and if this same language was in the last bill it applied only to that bill. If the word "hereafter" had been used after the word "that," so as to read "Provided, That hereafter the rate of compensation," etc., the Chair would be inclined to think that that language being included in the last appropriation bill would make it statute law, but the Chair thinks that the present proviso applies only to this bill, and that the point of order might have been made against the proviso, but the paragraph having been passed unanimously without the point of order having been made any amendment which is germane in perfecting the paragraph the Chair thinks would be in order, and the Chair therefore overrules the point of order.

Mr. OVERSTREET. Mr. Chairman, just a word on the merits of the amendment. I ask that the amendment be read again for the information of the committee.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. OVERSTREET. I do not quite understand that. May I have that amendment? The purpose of this amendment is to authorize a rate of payment for transportation by electric and cable cars of 33½ per cent more than the present rate. Mr. Chairman, the present rate, I think, is reasonable, and I doubt the propriety of authorizing 33½ per cent increase for this purpose.

Mr. OLMSTED. What is the present rate?

Mr. OVERSTREET. It is about 5 cents a mile, on the average, I think, for the electric and cable car service. This is a service within the large cities and suburban service for the transportation of mail by the cable and electric car service. The Government pays these city railway companies a certain per cent for the privilege of carrying their mail back and forth over certain routes within the city limits and for suburban purposes. That service is in connection with their regular passenger service. It is either performed by the regular equipped city street-railway postal cars or what is known as the platform service, where the mail bags are thrown upon the platforms of the cars and the conductor or motorman takes the bags off at their destination and puts other mail bags on the platform and carries them to the post-office or railway stations. This regulation has been fixed after a very careful investigation on the part of the Department, and this amendment would only give these city street-railway companies 33½ per cent increase of pay over what they are now receiving.

Mr. SCOTT. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Kansas?

Mr. OVERSTREET. I yield.

Mr. SCOTT. I simply want to ask a question. The gentleman

who offers the amendment stated it was his information that the Department was not able now to secure the service that it desired for the cities by reason of not being able, under the law, to offer enough compensation. I would like to ask the chairman of the committee if he has any information to that effect officially from the Department?

Mr. OVERSTREET. I have not. The gentleman stated he understood that information was given. I merely state that information has not been given to the Committee on the Post-Office and Post-Roads, and in the hearings before the committee, when Mr. Shallenberger was interrogated relative to this item, there was no suggestion made by him with reference to an increase of the rates.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, \$142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. MOON of Tennessee. Mr. Chairman, I move to strike out the lines 17 to 23, inclusive, on page 18, being the section just read.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 18 strike out the paragraph from lines 17 to 23, inclusive.

Mr. MOON of Tennessee. I will ask the chairman of the committee if any arrangement has been made about debate on this question? I understand some gentlemen desire to debate it. I do not, if others do not.

Mr. OVERSTREET. Why, there has been no special arrangement made about debate. I suppose the usual practice under the five-minute rule will be followed.

Mr. MOON of Tennessee. Then let us have a vote without debate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. CRUMPACKER) there were—ayes 65, noes 80.

Mr. ROBINSON of Indiana. Mr. Chairman, I ask for tellers. Tellers were ordered; and the Chairman appointed Mr. OVERSTREET and Mr. MOON of Tennessee as tellers.

Mr. WYNN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WYNN. I will ask, if it is not too late, to have the amendment again read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

The committee again divided; and the tellers reported that there were—ayes 80, noes 88.

So the amendment was disagreed to.

Mr. WEBB. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add after the word "service," line 23, page 18, the words "and if the Postmaster-General shall expend said amount, or any part thereof, he shall state his reasons for the necessity of such expenditure in his next annual report."

Mr. OVERSTREET. I make the point of order against that, Mr. Chairman.

The CHAIRMAN. The amendment offered by the gentleman from North Carolina, it seems to the Chair, changes existing law, in that it alters the discretion now vested in the Postmaster-General, and also the provision of existing law in reference to his annual report. The Chair therefore sustains the point of order.

Mr. WEBB. Mr. Chairman, I would like to ask the Chair wherein it affects the discretion of the Postmaster-General: it only asks him to give the reasons for the expenditure authorized in the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., \$25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. ROBINSON of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out the paragraph beginning with line 24, page 18, and ending with line 5, page 19.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROBINSON].

The question was taken; and on a division (demanded by Mr. ROBINSON of Indiana) there were—ayes 65, noes 69.

So the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

For transportation of foreign mails, \$2,650,000, including additional compensation to the Oceanic Steamship Company for transporting the mails by its steamer sailing from San Francisco to Tahiti; all mails made up in the United States destined for the island of Tahiti, \$45,000: *Provided*, That the sum paid the said Oceanic Steamship Company shall not exceed \$1 per mile, as authorized by act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce;" *And provided further*, That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding \$55,000, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union, and not exceeding \$40,000 for transferring the foreign mail from incoming steamships in New York Bay to the several steamship and railway piers, and between the steamship piers in New York City and Jersey City and the post-office and railroad stations, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers.

Mr. ROBINSON of Indiana. Mr. Chairman, I raise the point of order on that section. I will reserve it if the gentleman desires.

Mr. OVERSTREET. I think it will be well to dispose of the point of order first.

Mr. ROBINSON of Indiana. I would like to make an inquiry of the gentleman with reference to the subsidy of \$45,000 for the Tahiti ship line.

Mr. OVERSTREET. I can explain that, if that is the purpose of the gentleman in making the point of order.

Mr. ROBINSON of Indiana. I would like to know when the appropriation was first made?

Mr. OVERSTREET. The item relative to the Tahiti appropriation first appeared in the appropriation bill for post-office purposes for the year beginning July 1, 1902. Each succeeding bill has contained the same language that the first bill contained, and there is no different language here.

Mr. ROBINSON of Indiana. Did the appropriation originate in the House of Representatives?

Mr. OVERSTREET. I do not know; I presume it did.

Mr. ROBINSON of Indiana. Is there any reference in any hearings before any committee which the gentleman is advised of?

Mr. OVERSTREET. I have not gone into the history of legislation to determine where it originated. Let me say briefly in answer to the gentleman's inquiry that this appropriation is authorized under what is known as the "ocean mail subsidy act of 1891." That law provided for an ocean mail subsidy, the payment for service of from \$1 to \$4 a mile, according to the size and speed of the boat. The Tahiti trade, as well as in other trades which was not reached by boat which made the speed and carried the tonnage defined in the act of 1891, necessarily had to be brought within the provisions of that act by special appropriation.

Mr. ROBINSON of Indiana. What is the population of Tahiti?

Mr. OVERSTREET. If the gentleman will permit, I will explain the item in answer to his inquiry. Tahiti is the largest of the group of islands in the South Pacific Ocean known as the Society Islands. It is about thirty-six hundred miles from San Francisco and the same distance from Australia. It has about 500 square miles of territory and between ten and fifteen thousand population, and is under French government. Prior to 1902, when this item first appeared in the post-office appropriation bill, there was no direct mail connection between the United States and that group of islands. Australia, under the English Government, about that time was seeking the trade of Tahiti and offered a bonus of about \$40,000 for mail facilities between Australia and the capital of the island of Tahiti—Papeete.

A line of boats operating from Vancouver, flying the English flag, was also operating between Vancouver and Tahiti, and there was an effort on the part of the English Government to obtain trade relations with the island of Tahiti, so that mail facilities with the island of Tahiti were sought for not only by Australia but by British Columbia as well. Prior to 1902, and under the act of 1891, the Government was paying a subsidy of \$80,000 for an American line of boats operating between San Francisco and Australia by the way of Honolulu and the Caledonian Islands. About the year 1900 or 1901 that steamship company put into service a line of boats which complied as to tonnage and speed with the provisions of the ocean mail subsidy act, and the subsidy of \$80,000 was discontinued.

Mr. Chairman, the Tahitians have taken advantage of this law of the United States to give them direct mail facilities by greatly increasing the trade between that little island and the United States. During the past fiscal year, ending June 30, 1903, about \$800,000 worth of business was transacted between Tahiti and the United States, about equally divided between the island and the United States. We shipped into that little island during that fiscal year \$75,000 worth of breadstuffs, \$100,000 worth of lumber, \$25,000 in value of products of steel and other manufactures—

Mr. ROBINSON of Indiana. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman from Indiana yield to his colleague?

Mr. OVERSTREET. Yes.

Mr. ROBINSON of Indiana. I think, Mr. Chairman, that the gentleman is mistaken in his statement, as shown by the Monthly Summary of Commerce and Finance, which gives the commerce of this island at \$369,000.

Mr. OVERSTREET. I have a letter from the Assistant Secretary of State which shows that during the fiscal year ending June 30, 1903, the trade between that country and the United States—

Mr. ROBINSON of Indiana. Then this is not a postal subsidy, but a commercial subsidy, is it not?

Mr. OVERSTREET. The law of 1891 was an ocean mail subsidy for the purpose of promoting trade and commerce.

Mr. HAY. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. ROBINSON of Indiana. I withdraw the point of order, Mr. Chairman, and if I can be recognized I will offer an amendment.

The CHAIRMAN. The gentleman will be recognized for that purpose.

Mr. ROBINSON of Indiana. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read. It was carefully prepared and handed to me by the gentleman from Ohio [Mr. SNOOK].

The Clerk read as follows:

Amend by striking out in lines 6 and 7, page 19, the words "two million six hundred and fifty thousand dollars" and insert in lieu thereof the words "two million six hundred and five thousand dollars;" and also strike out the following words in lines 7, 8, 9, 10, and 11: "including additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to Tahiti; all mails made up in the United States destined for the island of Tahiti, \$45,000."

Mr. OVERSTREET. Mr. Chairman, my colleague has the floor, and I will ask the privilege of the floor in order that I may at this time move that the committee rise, and we can take this matter up to-morrow.

Mr. ROBINSON of Indiana. I yield the floor for that purpose.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13521, the post-office appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. MILLER, for three days, on account of sickness.

To Mr. RIDER, for ten days, on account of sickness.

UNANIMOUS CONSENTS.

The SPEAKER. The Chair has on his desk a memorandum of three or four cases to submit to the House for unanimous consent. Unless the House indicates otherwise, the Chair will recognize gentlemen. [After a pause.] The gentleman from Washington [Mr. JONES] is recognized.

LANDS OF FORT WALLA WALLA (WASH.) MILITARY RESERVATION.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12685) for the reappraisal and sale of the undisposed lands within the Fort Walla Walla Military Reservation, in the State of Washington.

Mr. BAKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 14256. An act making an appropriation for fuel for the south wing of the Capitol building.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4837. An act to amend an act entitled "An act to amend an act authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891," and acts amendatory thereof, so as to extend the time for completion of said bridge until January 1, 1905—to the Committee on Interstate and Foreign Commerce.

An act (S. 2148) to provide for the enlargement and improvement of the public building at Tyler, Tex.—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution No. 57:

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound, in the form such as is customary in the case of eulogies, 12,000 copies of the proceedings and accompanying documents, with suitable process plates to be bound therewith, upon the unveiling of the statue of Gen. William T. Sherman, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies, of which 200 copies shall be bound in full morocco, to be distributed under the direction of the chairman of the Joint Committee on the Library, in such manner as in his judgment may be desirable—
to the Committee on Printing.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 7249. An act granting a pension to Lydia M. Hill;

H. R. 3903. An act granting an increase of pension to George C. Sherman;

H. R. 892. An act granting an increase of pension to Abram H. Hunt;

H. R. 3776. An act granting an increase of pension to Alfred I. Judy;

H. R. 958. An act granting an increase of pension to Alfred H. Rogers;

H. R. 468. An act granting an increase of pension to Henry Christy;

H. R. 5176. An act granting an increase of pension to Alonzo Dutch;

H. R. 6022. An act granting an increase of pension to George W. Travis;

H. R. 199. An act for the relief of John H. McLaughlin;

H. R. 10058. An act for the relief of Kirby Thomas;

H. R. 6494. An act to approve and ratify act No. 73 of the legislative assembly of the Territory of Arizona.

H. R. 9319. An act providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak.; and

H. R. 14256. An act making an appropriation for fuel for the south wing of the Capitol building.

ELECTRIC LIGHTS ON ISLAND OF OAHU, HAWAII.

Mr. ROBINSON of Indiana. I ask unanimous consent for the consideration of the bill which I send to the desk.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7206) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the manufacture, distribution, and supply of electric light and power on the island of Oahu, Territory of Hawaii.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. MADDOX. Reserving the right to object, I should like to hear something about the bill.

The SPEAKER. The Clerk will report the bill.

Mr. ROBINSON of Indiana. Perhaps the gentleman from Georgia [Mr. MADDOX] would prefer to hear a brief statement.

Mr. MADDOX. The bill has to be read anyway.

Mr. ROBINSON of Indiana. I thought a statement might facilitate the matter.

The bill was read.

Mr. MADDOX. I rise to object to that bill. It is impossible for anybody to find out anything about the bill at this late hour.

The SPEAKER. Objection is made by the gentleman from Georgia.

BRIDGE ACROSS THE MISSOURI RIVER.

The SPEAKER laid before the House the bill (S. 4640) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," approved February 28, 1903.

Mr. COWHERD. A bill identical with this has been reported from the Committee on Interstate and Foreign Commerce of the House. I ask that this bill be put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," be, and the same is hereby, so supplemented and amended as to extend the time for the commencement of the construction of the bridge and approaches by said act authorized until the 28th day of August, 1904, and to extend the time for the completion of said bridge to February 28, 1907.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. COWHERD, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent, the corresponding House bill (H. R. 13164) was ordered to lie on the table.

ALLEGHENY COLLEGE, MEADVILLE, PA.

Mr. BATES. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 10208) for the relief of Allegheny College, at Meadville, Pa., was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. BAKER. I object.

The SPEAKER. Objection is made.

ADJOURNMENT.

Mr. PAYNE. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4483) declaring the tunnels under the Chicago River an obstruction to navigation, and for other purposes, reported the same with amendment, accompanied by a report (No. 1855); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10135) to authorize the Williamson Coal Company (Incorporated) to bridge the Tug Fork of the Big Sandy River near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, reported the same with amendment, accompanied by a report (No. 1856); which said bill and report were referred to the House Calendar.

Mr. SHIRAS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10018) granting to the State of North Dakota 640 acres of land, embracing the White Stone Hills battlefield and burial ground of soldiers killed in that engagement, reported the same with amendment, accompanied by a report (No. 1861); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13740) for the relief of the Western Alaska Construction Company's Railroad, reported the same without amendment, accompanied by a report (No. 1862); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2814) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900, reported the same with amendment, accompanied by a report (No. 1863); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHIRAS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10443) to set apart certain lands in the State of Washington as a public park, to be known as "The Elk National Park," for the purpose of preserving the elk, game, fish, birds, animals, timber, and curiosities therein, reported the same with amendment, accompanied by a report (No. 1874); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 9135) for the relief of F. R. Lauson, reported the same with amendment, accompanied by a report (No. 1854); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14203) granting an increase of pension to Edward J. Jagger, reported the same with amendment, accompanied by a report (No. 1857); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13527) granting an increase of pension to William Odenheimer, reported the

same with amendment, accompanied by a report (No. 1858); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13413) granting an increase of pension to Hezekiah Kepner, reported the same with amendment, accompanied by a report (No. 1859); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11150) granting an increase of pension to Marvin A. Wixson, reported the same with amendment, accompanied by a report (No. 1860); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2045) granting an increase of pension to Henry Henwood, reported the same with amendment, accompanied by a report (No. 1864); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3246) granting a pension to Mrs. Hedwig A. Maass, reported the same with amendment, accompanied by a report (No. 1865); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6595) granting a pension to Capt. John H. McBrayer, reported the same with amendment, accompanied by a report (No. 1866); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9963) granting a pension to Grace Miller, reported the same with amendment, accompanied by a report (No. 1867); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11877) granting an increase of pension to Minnie C. Wilkins, reported the same with amendment, accompanied by a report (No. 1868); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12529) granting a pension to Sarah Greene, reported the same with amendment, accompanied by a report (No. 1869); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12664) granting an increase of pension to Rachael J. Smith, reported the same with amendment, accompanied by a report (No. 1870); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12964) granting an increase of pension to Elizabeth C. Banks, reported the same with amendment, accompanied by a report (No. 1871); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13328) granting a pension to Martin R. Gentry, reported the same with amendment, accompanied by a report (No. 1872); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13687) granting an increase of pension to Henry A. Davies, reported the same with amendment, accompanied by a report (No. 1873); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills and resolution of the following titles; which were thereupon referred as follows:

A resolution (H. Res. 244) directing the Committee on Appropriations to provide in the general deficiency appropriation bill for the payment to P. L. Coultry for services rendered—Committee on Accounts discharged, and referred to the Committee on Claims.

A bill (H. R. 10029) granting a pension to Charles E. Arnett—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6446) for the relief of John J. Bell—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 10608) for the relief of Peter Mommie—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 10606) for the relief of Arra M. Farnsworth—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 14318) to amend section 542 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. BASSETT: A bill (H. R. 14319) authorizing the erection of new buildings at Fort Hamilton, New York City, and the laying out of a road across the reservation—to the Committee on Public Buildings and Grounds.

By Mr. MOON of Tennessee: A bill (H. R. 14320) to create a recording district in the Indian Territory, with its office at Okemah, Ind. T., and to establish a United States district court at Okemah, Ind. T.—to the Committee on Indian Affairs.

By Mr. WEISSE: A bill (H. R. 14321) withdrawing certain lands in Dodge County, Wis., from homestead entry—to the Committee on the Public Lands.

By Mr. REEDER: A bill (H. R. 14374) to amend the act providing for national irrigation, approved June 17, 1902, and for other purposes—to the Committee on Irrigation.

By Mr. CURTIS: A concurrent resolution (H. C. Res. 52) providing for the printing of additional copies of the report of the Commission to the Five Civilized Tribes for 1903—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 14322) for the relief of John W. Simpson—to the Committee on War Claims.

Also, a bill (H. R. 14323) for the relief of M. C. Dickson—to the Committee on War Claims.

By Mr. ALLEN: A bill (H. R. 14324) for the relief of the heirs of Margaret Kennedy—to the Committee on Claims.

By Mr. AMES: A bill (H. R. 14325) granting an increase of pension to Sarah J. Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14326) granting a pension to Frank McGuire—to the Committee on Invalid Pensions.

By Mr. BROWN of Wisconsin: A bill (H. R. 14327) for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin—to the Committee on Indian Affairs.

By Mr. CANNON (by request): A bill (H. R. 14328) granting an increase of pension to Edith M. R. Brown—to the Committee on Pensions.

By Mr. CASSINGHAM: A bill (H. R. 14329) granting a pension to Louisa Carey—to the Committee on Pensions.

By Mr. CASTOR: A bill (H. R. 14330) to correct the military record of Jacob Metzinger—to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 14331) granting a pension to Mary K. Lewis—to the Committee on Pensions.

By Mr. CURTIS: A bill (H. R. 14332) granting an increase of pension to Ruth A. McMillan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14333) granting a pension to Daniel Jarboe—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 14334) for the relief of Leonard Wilson—to the Committee on Claims.

Also (by request), a bill (H. R. 14335) for the relief of Leonard Wilson—to the Committee on Claims.

By Mr. DIXON: A bill (H. R. 14336) granting an increase of pension to Everton J. Conger—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 14337) granting an increase of pension to James S. Pelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14338) granting an increase of pension to Frances P. McMurtrie—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 14339) granting an increase of pension to Mary J. Dent—to the Committee on Pensions.

By Mr. KELIHER: A bill (H. R. 14340) for the relief of John Regan—to the Committee on Claims.

By Mr. KLINE: A bill (H. R. 14341) granting an increase of pension to George W. Rotz—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 14342) granting an increase of pension to John F. Brown—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 14343) granting an increase of pension to William Neuborg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14344) granting a pension to Joseph A. Nimmo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14345) granting an increase of pension to Edward Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14346) granting a pension to A. E. Durham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14347) granting a pension to Mary Wilder—to the Committee on Pensions.

Also, a bill (H. R. 14348) to remove the charge of desertion from the military record of John W. Reed—to the Committee on Military Affairs.

Also, a bill (H. R. 14349) to remove the charge of desertion from the military record of George W. Torre—to the Committee on Military Affairs.

By Mr. LIND: A bill (H. R. 14350) for the relief of Albert Steinhäuser—to the Committee on Claims.

Also, a bill (H. R. 14351) for the relief of the Gull River Lumber Company, its assigns or successors in interest—to the Committee on the Public Lands.

By Mr. LONGWORTH: A bill (H. R. 14352) to remove the charge of desertion from the military record of Nathan Harris—to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 14353) granting a pension to William J. Hayden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14354) granting a pension to Peter Bunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14355) granting an increase of pension to Cyrus Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14356) granting an increase of pension to Hiram Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14357) to remove the charge of desertion from the military record of William R. Brown—to the Committee on Military Affairs.

By Mr. OLMSTED: A bill (H. R. 14358) granting an increase of pension to Winfield S. Love—to the Committee on Invalid Pensions.

By Mr. PIERCE: A bill (H. R. 14359) granting an increase of pension to Jonathan H. Terrell—to the Committee on Pensions.

By Mr. POWERS of Maine: A bill (H. R. 14360) granting an increase of pension to Paul J. Emery—to the Committee on Invalid Pensions.

By Mr. SHULL: A bill (H. R. 14361) for the relief of Richard Blay, late of Company E. Twenty-eighth Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 14362) granting a pension to Henry Sutherland—to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 14363) granting an increase of pension to Pocahontas C. Monteiro—to the Committee on Pensions.

By Mr. TATE: A bill (H. R. 14364) for the relief of Webster R. W. Atkins—to the Committee on Military Affairs.

Also, a bill (H. R. 14365) for the relief of John D. Lowry—to the Committee on Military Affairs.

Also, a bill (H. R. 14366) for the relief of G. A. Anderson—to the Committee on Military Affairs.

Also, a bill (H. R. 14367) granting a pension to Mary A. M. Pettyjohn—to the Committee on Pensions.

Also, a bill (H. R. 14368) granting a pension to Mary A. M. Pettyjohn—to the Committee on Pensions.

Also, a bill (H. R. 14369) for the relief of Abram Patton—to the Committee on Military Affairs.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 14370) for the relief of the heirs and assignees of Thomas Whaley and wife—to the Committee on Private Land Claims.

By Mr. WARNER: A bill (H. R. 14371) granting an increase of pension to Elizabeth F. Peddecord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14372) granting an increase of pension to Jeremiah Turner—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 14373) granting a pension to Waters A. Smith—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Sheldon, Iowa, for passage of bill H. R. 14102—to the Committee on Invalid Pensions.

By Mr. ACHESON: Petitions of Adin B. Lacey and others, of Philadelphia, Pa., and B. F. Willis and others, of York, Pa., in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Philadelphia Publishers' Association and the Pittsburg Publishers' Association, in favor of allowing rural carriers the rights they now have relative to the distribution of newspapers and other periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joseph M. Kelsey and 15 others, of New Wil-

mington, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ADAMS of Pennsylvania: Communications from Balingier & Perrot, of Philadelphia; the fellowship of the Pennsylvania Academy of Fine Arts; the T Square Club; Louis W. Hickman, architect; the Civic Club, of Philadelphia; B. F. Willis, architect, of York, Pa.; E. L. Stevenson, Edward Randolph, and C. R. Woodruff, of Philadelphia, relating to the plan of the Mall, in the city of Washington, and in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, petition of the Civic Club, of Philadelphia, in favor of bill S. 2327, to create a national forest reservation in the White Mountains, New Hampshire—to the Committee on Agriculture.

Also, resolution of the Philadelphia Newspaper Publishers' Association, relative to rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

Also, protest of the United Textile Association, of Philadelphia, against the passage of bill H. R. 3076, known as the "eight-hour bill"—to the Committee on Labor.

Also, resolution of the Trades League of Philadelphia, favoring a new reciprocal trade treaty between the United States and Canada—to the Committee on Foreign Relations.

By Mr. ADAMS of Wisconsin: Petition of the Northern Electrical Manufacturing Company, in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petitions of Rev. W. F. De Laps and others, of Macfarland, Wis.; Rev. R. W. Brand and 15 others, of Dunn, Wis.; Central Woman's Christian Temperance Union and the Methodist Episcopal Church, of Madison, Wis.; W. G. MacLachlan and 37 others, of Dunn, Wis., and Rev. Theodore Reinke and others, of Deforest, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. AIKEN: Papers to accompany bill H. R. 14099, for the relief of James C. Duncan—to the Committee on Claims.

By Mr. ALEXANDER: Resolutions of the board of governors of the Consolidated Stock and Petroleum Exchange, New York, favoring bill H. R. 7871—to the Committee on the Judiciary.

Also, petition of the Church of United Brethren in Christ, of Great Valley, N. Y., favoring the Hepburn bill—to the Committee on the Judiciary.

By Mr. ALLEN: Petition of Rev. D. R. Ford and 125 others, of Peaks Island, Portland, Eliot, Westbrook, and county of York, Me., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BIRDSALL: Petition of patrons of rural route from Cascade, Iowa, in favor of increasing the pay of rural carriers—to the Committee on the Post-Office and Post-Roads.

Also, petitions of C. M. Gould and 21 others, of Earlsville, and the general assembly of Iowa, in favor of the Hepburn bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Resolutions of Baxter Post, No. 123, Grand Army of the Republic, of Baxter Springs, Kans., and Antietam Circle, No. 2, Ladies of the Grand Army of the Republic, of Parsons, Kans., for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: Petition of 100 citizens of Litchfield, Minn., protesting against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Pine City Lodge, No. 116, Brotherhood of Boiler Makers and Iron-ship Builders, of Brainerd, Minn., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURLESON: Petition of William Angus and 24 others, of Taylor, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BUTLER of Pennsylvania: Petition of Kennett Grange, No. 19, Patrons of Husbandry, of Kennett Square, Pa., for the passage of a good-roads bill—to the Committee on Agriculture.

Also, petition of Kennett Grange, No. 19, Patrons of Husbandry, of Kennett Square, Pa., in favor of an additional appropriation for agricultural experiment stations—to the Committee on Agriculture.

By Mr. CASSINGHAM: Petition of General Force Circle, No. 47, Department of Ohio, Ladies of the Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CURTIS: Resolutions of Antietam Post, No. 64, Grand Army of the Republic, Department of Kansas, and Antietam Circle, No. 2, Ladies of the Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petitions of A. A. Hope and 23 others, of Topeka; Rev. C. L. Fish, pastor of the Congregational Church (260 members); T. J. Seamon, pastor of the Methodist Episcopal Church (300 members); C. L. Taylor, pastor of the Missionary Baptist Church (160 members); George J. Graves and 43 others, of Shawnee County, and S. S. Jackson and others, of Scranton, all of Kansas,

in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Petition of the Red Wing Hat Manufacturing Company, of Red Wing, Minn., in favor of bill H. R. 9302, relative to a reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, affidavits to accompany bill H. R. 12248, granting an increase of pension to Hezekiah Bruce—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): Petitions to accompany bill for relief of Leonard Wilson—to the Committee on Claims.

Also (by request), petitions of S. M. Strong and 32 others, of Freeman, Mo., and Rev. W. W. Robertson and 29 others, of Garden City, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DIXON: Papers filed in support of bill granting an increase of pension to Everton J. Conger—to the Committee on Invalid Pensions.

By Mr. GARNER: Petition of the Cattle Raisers' Association of Texas, relative to freight rates on shipments of live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Petition of George Martin and 426 other voters of Wilson; W. R. Cooper, J. A. Consen, Lou Mincey, and 80 other voters of Knoxville, and G. F. Thomas and pastors and officials of the Anti-Saloon League of Rockwood, all of Tennessee, for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of Edmund R. Wilson, of Providence, R. I., for the passage of a law regulating the erection of buildings upon the Mall—to the Committee on Public Buildings and Grounds.

Also, petition of the Brown & Sharpe Manufacturing Company, of Providence, R. I., for untaxed denaturized alcohol for industrial purposes—to the Committee on Ways and Means.

Also, petition of the New England Manufacturing Jewelers and Silversmiths' Association, of Providence, R. I., against the passage of the eight-hour bill—to the Committee on Labor.

Also, petition of Charles F. Clark and 12 others, of Providence, R. I., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Alfred Stone, Rhode Island School of Design, and Angell & Swift, all of Providence, R. I., in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. GROSVENOR: Resolution of Ben Butterfield Post, No. 77, Grand Army of the Republic, Lancaster, Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of Middlesex Grange, of Middlesex, Vt., for the passage of good-roads bill (H. R. 10765)—to the Committee on Agriculture.

By Mr. HITCHCOCK: Petition of merchants and business men of Washington County, Nebr., against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Henry Rohlf and others, of Omaha, Nebr., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HITT: Resolutions of the Board of Trade of Chicago, favoring negotiations of arbitration treaties with Great Britain and other powers—to the Committee on Foreign Affairs.

Also, resolutions of Dixon Post, Grand Army of the Republic, of Dixon, Ill., for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KLINE: Paper to accompany bill to increase pension of George W. Rotz—to the Committee on Invalid Pensions.

By Mr. LACEY: Paper to accompany bill granting an increase of pension to John F. Brown—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: Affidavit in support of bill H. R. 4603, to correct military record of Valentine Fraker—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 13181—to the Committee on Claims.

Also, petition of citizens of Willow Springs, Mo., for the passage of a bill for the relief of Kentucky militiamen—to the Committee on Invalid Pensions.

Also, petitions of Christian Church members of Seymour, Mo., and citizens of Winona, Mo., for the Hepburn bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Austin Nichols & Co., of New York City, in favor of bill H. R. 9050—to the Committee on Ways and Means.

Also, petition of G. E. Cahoon, of Brooklyn, N. Y., in favor of a reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the Central Labor Union of the District of Columbia, in favor of legislation to regulate the hours of duty and compensation of the employees at the Government Hospital for the Insane—to the Committee on the District of Columbia.

By Mr. LIVINGSTON: Petitions of J. H. Whitaker and 50 others, of Atlanta, Ga., and W. R. Dennis and 12 others, of Georgia, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LLOYD: Petition of W. M. Wainwright and 62 others, of Shelbina, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McLAIN: Petition of J. T. Trevilion and 15 others, of Claiborne, and H. S. Lee and 67 others, of Wesson, Miss., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. MANN: Resolutions of the Illinois Manufacturers' Association, in favor of bills H. R. 6273 and S. 2439, relative to duties and powers of the Interstate Commerce Commission, and in favor of H. R. 4483—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: Petitions of Rev. S. L. Fraser and 19 others, of Knox, N. Dak., and John F. Sherfey and 10 others, of Grant Forks, N. Dak., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MINOR: Papers to accompany bill H. R. 14297, granting an increase of pension to Henry F. Post—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition to accompany bill granting a pension to Cyrus Palmer—to the Committee on Invalid Pensions.

By Mr. MORRELL: Resolutions of the Trades League of Philadelphia, in favor of a new reciprocal trade treaty between the United States and Canada—to the Committee on Foreign Affairs.

Also, resolutions of the Civic Club of Philadelphia, relative to the plan of the Mall, in the city of Washington—to the Committee on Public Buildings and Grounds.

By Mr. PIERCE: Petition of A. Enochs, heir of A. Enochs, deceased, praying reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. PORTER: Petition of the Civic Club, C. R. Woodruff, and the Art Square Club, of Philadelphia, Pa., for the passage of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. REEDER: Petition of citizens of Kansas, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RHEA: Petition of B. F. Cobell and 324 others, of Bowling Green, Ky., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RICHARDSON of Tennessee: Petitions of P. A. Twitty and 52 others, of Blanche, Tenn.; N. E. Loveland and 17 others, of Goshen, Tenn.; J. L. Moore and 70 others, of Lynchburg, Tenn., and R. M. Wallace and 114 others, of Fayetteville, Tenn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RIXEY: Petition of Lawson B. Moore and others, of Gordonsville, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of citizens of Rectortown, Va., and vicinity, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. ROBINSON of Indiana: Petition of Doctors Morgan and Wallace, of Fort Wayne, Ind., for reorganization of the Medical Department of the Army—to the Committee on Military Affairs.

By Mr. RUCKER: Resolutions of Helpers' Division No. 52, Boiler Makers and Iron-ship Builders, of Moberly, Mo., in favor of bills H. R. 7056 and S. 2363—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of G. A. Walker and 11 others, of Bogard, Mo.; Rev. I. F. Lusk and pastors, of Moberly, Mo., and John Daily and 4 others, of Keyterville, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SMITH of Illinois: Petition of C. Allen and 33 others, of Ewing, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SMITH of New York: Petitions of Edward C. Hall and 8 others, Baptist Church and 10 others, and A. D. Finch and 20 others, of Hartwick, N. Y.; Trinity Methodist Episcopal Church and 18 others, and H. W. Sherwood and members of the Baptist Church, of Kingston, N. Y., and Charles Maar and 70 others, of Shawangunk, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SNOOK: Resolutions of General Force Circle, No. 47, Ladies of the Grand Army of the Republic, of Ohio, for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Papers to accompany House bill granting an increase of pension to Devern White—to the Committee on Pensions.

By Mr. STEPHENS of Texas: Petition of citizens of Stratford, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. STERLING: Petition of citizens of Holder, Ill., in favor of bill H. R. 10008—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Charles F. Schmidt & Peters, in favor of bill H. R. 9050—to the Committee on Ways and Means.

Also, petition of R. W. G. Welling and G. S. Greene, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, resolution of the Yacht Masters and Engineers' Association, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Walter S. Logan, of New York, in favor of bill H. R. 4870, to establish a library post—to the Committee on the Post-Office and Post-Roads.

Also, petition of the New York Produce Exchange, in favor of bills H. R. 7056, 7871, and S. 3937—to the Committee on the Merchant Marine and Fisheries.

By Mr. TATE: Papers to accompany bill to pension Jonathan H. Terrell—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Abram Patton—to the Committee on Military Affairs.

Also, petition of G. A. Anderson, for relief—to the Committee on Military Affairs.

Also, petition of citizens of Forsyth County, Ga., for relief of Mary A. Pettyjohn—to the Committee on Invalid Pensions.

Also, papers to accompany claim of Albert Hope—to the Committee on War Claims.

By Mr. THAYER: Petition of H. G. Ripley, of Boston, for the passage of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, petition of Kearsarge Association of Naval Veterans, of Boston, Mass., for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Worcester Mass.) Chapter, American Institute of Architects, for passage of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, petition of the Boston Associated Board of Trade, protesting against the passage of bill H. R. 89—to the Committee on the Judiciary.

By Mr. WARNER: Petitions of George Brown and 66 other citizens, of Lake City, Ill.; Thomas H. Tull and 32 other voters, of Sullivan; H. L. Strain and 17 other voters, Rev. H. Ross and 17 other voters, G. W. McDonald and 20 other voters, M. B. Welland and 22 other voters, Joseph W. Van Cleve and 100 other voters, and John T. Howell and 15 other voters, all of Decatur, Ill., for passage of the Hepburn bill—to the Committee on the Judiciary.

SENATE.

THURSDAY, March 24, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

THOMAS J. HOBBS.

Mr. LODGE. The Senate yesterday passed the bill (H. R. 3256) directing the issue of a check in lieu of a lost check drawn by Thomas J. Hobbs, disbursing clerk, in favor of Crane & Co., of Dalton, Mass. My attention has been called by the Treasury Department to the fact that there is a verbal error in the bill that ought to be corrected. I move that the votes by which the bill was ordered to a third reading and passed be reconsidered.

Mr. COCKRELL. It will be necessary to get the bill back from the House.

Mr. LODGE. The bill is here. It has not been sent to the House.

The motion to reconsider was agreed to.

Mr. LODGE. I move to amend the bill by striking out the word "him" and inserting "Thomas J. Hobbs, disbursing clerk of the Treasury Department;" so that it will read:

Issued by Thomas J. Hobbs, disbursing clerk of the Treasury Department. The amendment was agreed to.

Mr. LODGE. I send to the desk the letter of the Assistant Secretary of the Treasury, which may be printed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 24, 1904.

HON. HENRY CABOT LODGE,
United States Senate.

SIR: I have the honor to say that it appears from the RECORD that the Senate yesterday passed a bill for the issuance of a duplicate check to Crane & Co. See page 3547.

The bill as passed contains an error which will make it ineffective. It authorizes the Secretary to cause to be issued a duplicate of an original check issued by "him." The check was issued by "Thomas J. Hobbs, disbursing

clerk of the Treasury Department." If Mr. Hobbs's name and title were inserted in the bill in lieu of the word "him" the error would be corrected.

Respectfully, yours,

C. H. KEEP, Assistant Secretary.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PORTO RICAN COFFEE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a joint resolution adopted by the legislative assembly of Porto Rico requesting Congress to consider favorably a petition presented by the Ponce section of the Chamber of Commerce for the protection of Porto Rican coffee; which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4640) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," approved February 28, 1903.

The message also announced that the House had passed with amendments the joint resolution (S. R. 55) to authorize the Secretary of the Interior to print an extra edition of the map of the United States for 1903, and making the appropriation for maps made in the acts of April 17, 1900, and of March 3, 1901, available for that purpose, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. COCKRELL presented a petition of sundry citizens of Shawnee, Jackson, Kansas City, and Luray, all in the State of Missouri, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. SCOTT presented a memorial of the Merchants' Association of Huntington, W. Va., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Basnettville, Elkins, and Ravenswood, of the Woman's Christian Temperance Union of Ravenswood, and of the congregation of the Methodist Episcopal Church of Amos, all in the State of West Virginia, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Morgantown, W. Va., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

Mr. BURROWS presented a petition of Atlanta Circle, Department of Michigan, Ladies of the Grand Army of the Republic, of St. Charles, Mich., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Grand Rapids, West Bay City, Galesburg, Ypsilanti, Lacota, and Clarendon, all in the State of Michigan, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation authorizing a preliminary examination of Petaluma Creek, in that State, and also providing for the improvement of the Sacramento River; which was referred to the Committee on Commerce.

Mr. PROCTOR presented a petition of the congregation of the Universalist Church of Woodstock, Vt., praying for an investigation of the charges made and filed against Hon. REED SMOOT; a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. GAMBLE presented a petition of the Black Hills Medical Society, of Deadwood, S. Dak., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of sundry citizens of Hot Springs, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DRYDEN presented a petition of Local Lodge No. 398, International Association of Machinists, of Trenton, N. J., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of the Salmagundi Club of Newark, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.